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Part B Oct 1939

General and Revenue secretariat

Subject:- Dissenting notes sent by certain members of the Constituent Assembly;

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Serial Nos. 6

Letter References

GENERAL AND REVENUE SECRETARIAT.

Serial No. 6

Part B for Oct. 1939

SUBJECT.

Dissenting Notes sent up by Certain Members of the Constitutional Reform Committee

WD 0295—GPB—22,500—18-8-37

CS 58-37-6

SEPARATE NOTE BY DR.F.X.DESOUZA.

I should like to add a word about the composition and powers of the legislature and the structure of the executive and its position vis a vis the legislature as envisaged in our proposals. I was unavoidably absent when the evidence on these points was taken. I had no opportunity to take part in the discussions. But as a student of constitutional law and practice in a wider field than Mysore there are certain aspects of our scheme which occur to me and which in justice to myself and in duty to the government I feel bound to place before them for their consideration.

2. We have recommended a very liberal measure of advance in the composition and the powers of the legislature. An Assembly consisting of 300 members all elected, a Council with a very large majority of elected members, and an elected President - this is the proposed constitution of the legislature. It is to have complete control over legislation, power to refuse supply, power to criticise the executive by interpellation, by resolution, in budget debate and by motions of no confidence. All this constitutes very great advance on the present constitution. As regards the executive our proposals also advocate a considerable degree of advance. But I do not think it is an advance which proceeds pari passu with the advance in the legislature. We propose to strengthen the executive by the addition of two elected members, one from each House, to be selected by His Highness. They are to be collectively responsible with the official members to His Highness for every branch of the administration. They hold office during His Highness's pleasure and are not removable on an adverse vote of the legislature. The idea is that the elected members of the ministry will form the connecting link between the official members andthe elected majority of the house and thus render the position of the government taken as a whole, if not technically responsible to the legislature at any rate so "responsive" as to make it indistinguishable from responsibility.

3. The executive which we propose is thus a composite ministry with what may be called a dualistic mandate - a mandate

for good government from the sovereign and a mandate for the redress of grievances and the enlargement of popular liberties from the electorate. The position of an executive such as this confronting a democratic legislature, has been subjected to a searching examination by the joint authors of the Montagu-Chelmsford Report. They point out that such an executive may function in normal times in harmony with the legislature but when there is political ferment in the country and the official and non-official views are sharply divided, the elected members of the Cabinet will be placed in a difficult position. They will have to choose between loyalty to their colleagues in the government and loyalty to their party. If they vote with the government, their party will withdraw their support and the government will be faced with a hostile legislature. If on the other hand they vote with their party against their official colleagues, there will be a deadlock created in the government.

4. The first impulse of a hostile legislature invested with powers such as we have proposed will be to endeavour to paralyse the government. And they can easily do so by defeating the government's proposals of legislation, by refusing supply, by frequent motions of adjournment and by other methods of obstruction. The Government cannot always fall back on its powers of veto and certification. A veto is not an instrument of government. A habitual resort to the powers of certification will render the government intolerable.

5. On the other hand if the non-official members of the Cabinet desert their colleagues in the ministry and vote with the Opposition, there will be an immediate deadlock. *Ex hypothesi* no other elected member with any following can be induced to step into their shoes. The constitution will break down.

Our proposals provide no solution for a deadlock in either case such as there would be in England by a change of Government (Vide passim Montagu-Chelmsford Report - Chapter VIII).

6. It is said that in Mysore no such actue conflict can arise between the official and non-official attitude towards the measures of government as exists in British India because in British India where there is said to be "an irreconcilable cleavage of interests between the rulers and the ruled", the struggle is against alien rule where as in Mysore the interests of the Rulers and the ruled are identical. (Report para 209). Here is a complete misconception. It is scarcely flattering to British rule to suggest that it was a continuous exploitation in favour of the alien rulers. The struggle in British India was rather against the bureaucratic system of administration, against the economic subjection of the masses and the privileged position of the classes. As illustrations reference may be made to the first Civil Disobedience movement, the Bardoli Satyagraha, the march to Dandi none of which were directed against the alien rulers as such. It was the eternal struggle, socio-political in character between the "haves" and the "have nots", from which no State however well governed will be free. With the growth of political consciousness, the struggle will grow keener. The lesson of Viduraswatha should not be forgotten. The millennium is not in sight, even in Mysore.

7. It will be argued that our proposed distribution of seats in the legislature renders a hostile combination against the government virtually impossible. This is probably true under the normal conditions. The legislature is intended to be a miniature reproduction of the country where the stable elements of the population generally predominate. Hence the composition of the legislature which we propose will make for the stability of government. But

recent events have shown that in times of unrest the most stable elements in the country are liable to be carried off their feet by mischievous propaganda and against such outbreaks our proposals provide no safety xxxx valve.

8. Under a scheme of responsible government the agitation in such cases is carried from the country to the legislature and will ordinarily receive its quietus by a change of ministry. But under our scheme, as pointed out by the joint authors of the Montagu-Chelmsford Report, there is no connecting rod between the executive and the legislative wheels of government and in times of excitement there is danger of the administrative machinery toppling over unless provision is made for a change of the man at the wheel. It is for this reason that they discarded the scheme which we now advocate and adopted diarchy with all its defects as a better alternative.

9. The position of an irremovable ministry consistently faced with a hostile legislature has also been discussed by the Joint Parliamentary Committee on Indian Reforms and found to be untenable. They remark: "The existence of a ministry which has not in fact the confidence of the legislature can in practice be made impossible.... Under a system of parliamentary government, there is no effective method of securing statutory permanence of tenure to a ministry faced by a consistently hostile legislature.

10. Thus the highest authorities both in England and India hold that a constitution like the one now proposed is unworkable. What then is the alternative ? Either the powers of the legislature will have to be curtailed or there should be an advance pari passu in the status of executive. The former course is too reactionary to be thought of. If the latter alternative is adopted, it has to be considered what form the advance should take. Responsibility on the lines of provincial autonomy in British India is a distant goal; it is too premature to think of it in the immediate present. The British Parliament decided on

diarchy as the most convenient halfway house to full responsible government, This example has been followed by the Maharaja of Cochin, who has also adopted diarchy tentatively in his State. Diarchy has better chances of success in an Indian State than in British India because there is always the prestige of the Ruler to harmonise the two branches of the Executive when they are in conflict. Cochin has pride of place in that it is the first Indian State where the principle of responsibility to the legislature has been conceded. The experiment will be watched with interest. There is lastly a proposal made by three members of our Committee to empower the legislature under certain stringent conditions to pass a vote of no confidence by way of an address to the Throne against the ministry which will be binding. This in my opinion is the bare minimum of responsibility sufficient to satisfy moderate opinion and sufficient to prevent a breakdown of the constitution.

11. Whether the country is ripe to receive even a first instalment of responsible government, if so in what form are questions on which I have no desire to express an opinion. I am not familiar with local conditions like my colleagues on the Committee. I do not therefore possess sufficient data to form a dogmatic opinion. But as a student of constitutional law andhistory with practical experience of present day All-Indian politics I shall examine certain arguments which have been accepted by the Committee as conclusive against the immediate grant of even the initial stages of responsible government. It is pointed out in the first place that the four requisites enunciated by the Joint Parliamentary Committee as being necessary for the satisfactory functioning of responsible government are absent in Mysore. These are 1) the principle of majority rule, (2) the willingness of the minority for the time being to accept the decision of the majority, (3) the existence of great political groups divided by broad issues of policy rather than by sectional interests and (4) the existence

of a mobile body of public opinion.

12. The absence of these conditions at present in Mysore may be conceded. It may be an argument against the grant of full responsible government in the immediate future. But to insist on t eir pre-existence in full vigour as a condition precedent is the introduction of even a small instalment of self-government seems to me to be preposterous. The full panoply of self-government did not emerge at one stroke in England like Minerva from the head of Zeus. It is the result of "habits" which in the words of Lord Bryce "centuries have needed to instil".

Even in England these conditions are undergoing change. They are in process of adjustment to the complexities of modern life. Lord Gordon Hewart has pointed this out in his striking volume on "Modern Despotism". Again the two party systems is being discredited in England and the formation of a national government is coming into favour. Many people think that a dictatorship is in course of evolution. The four "pre-requisites" may so soon become a back number. There is no reason why India should not develop her own system of self-government according to her own genius. Already there are signs of lines of cleavage in the dominant party cutting awkward communal lines and it is quite on the cards that parties will be formed on lines of Socialism and Communism. If we have to wait till all the pre-requisites now existing in England are in full operation in Mysore, we shall have to wait till Doomesday. It is the exercise of responsibility which calls forth the capacity to exercise it. The Joint Parliamentary Committee themselves acting in the spirit of this great truth did not hesitate in spite of the admitted absence of these four requisites in British India, to recommend a grant of limited autonomy for the Provinces, making provision for necessary safeguards to compensate for their absence.

13. Next it is urged that the movement for responsible government in Mysore has in the hands of the present leaders led to an unconstitutional agitation which culminated in the excesses at Viduraswatha. (Report para 89). As one of the Judges who took part in the enquiry into the disturbance, I am not blind to their implication. But taking a broad view, these disorders and the repression which followed form an unhappy page in the history of Mysore. No one would like to see a repetition of these disorders. A partisan may rejoice in the discomfiture of the fomenters of disorder. But a Statesman is more concerned to take steps to prevent their recurrence. Viduraswatha is certainly a beacon of warning to the Congress leaders, but it is at the same time a signal of danger to the authorities.

Viduraswatha, however, has not been without its uses to the Congress High Command. The excesses and mob violence made them realise the folly of entrusting the weapon of Satyagraha into undisciplined hands. They have temporarily cried halt and are elaborating a new technique the result of which will be watched with interest in every Indian State.

14. Lastly it is urged that we should take warning from the fact that the inauguration of responsible government in neighbouring British Province, "the Congress Province" as they are called has had very undesirable results. It is said they have ceased to be a true democracy and have degenerated into a regime of Communalism and Fascism, "where the form of responsible government is used merely to place in power representatives of one community to the exclusion of all the others and to stifle all opposition." (Report para 121)

These observations are scarcely relevant. In the British Provinces the Congress achieved a staggering success at the first elections because they had successfully fought a bureaucratic regime. In Mysore ex concessis there is no liklihood of the Congress securing such an overwhelming majority and attempting to set up a dictatorship. In any case, the criticism

is open to objection. If it is meant as a statement of possible tendencies under a Congress Government with an overwhelming majority, perhaps it is unexceptionable. But if it is meant to be an indictment of existing abuses, the charges are either not true or not proven. What is more I think, they are in bad taste. I dissociate myself from them.

15. In our proposals we have sought to lay the foundation of a system of democratic government functioning under the aegis of the Ruler. We have endeavoured to make the constitution broadbased on the will of the people. We have greatly widened the franchise. We have made the legislature practically omnicompetent. But we decline to follow up our recommendations to their logical conclusion. We refuse to introduce the element of responsibility. It is this part of our scheme that I think will break down. We have either to narrow down the franchise and make the legislature less democratic, or make the Executive responsible in however slight a degree. A democratic legislature which is virtually omnicompetent and an irremovable Executive are incompatible under the system of Parliamentary government which we have in view.

16. If however Government decide that not even a modicum of responsibility can be conferred in the immediate future, I think that a more workable scheme would be to appoint one or two non-official members to the Cabinet who are <u>not</u> elected members of the legislature. This was the scheme of the Minto-Morley Reforms. They should be public men of tried virtue, men who have identified themselves with no party, men high in the favour of the Sovereign as well as the public - in a word men of the type of the Late Sir Puttanna Shetty. Their appointment would provoke no jealousies in their own party nor rivalries in the opposite parties. As nominees of the Sovereign they would command the implicit loyalty of the greater section of the legislature while as exponents of every phase of public opinion they would be even more reliable than elected

members. In the constitution thus framed, it is true that there would be no democratic element in the cabinet. But it will be a benevolent autocracy while the constitution proposed by us is neither a full blooded autocracy, nor a democracy, but a constitutional freak with a democratic body and a bureaucratic head, fruitful only in deadlocks.

17. If on the other hand as the inevitable accompaniment of the constitutional machinery which we propose Government decide to confer a small instalment of responsibility, the proposal of a vote of no confidence against the ministry by way of an address to the Throne would be most appropriate at the present juncture. The motion should be moved in both houses, on the requisition of a specified number of members of each House and carried by a specified majority, in which case it would be treated as a vote of no confidence and submitted to His Highness by way of an address to the Throne. It should be adopted as a convention that His Highness in his discretion should call then upon the ministry to resign in whole or in part on the advice of this Chief Minister. This proposal has been rejected by the majority of the Committee on the ground inter alia that "it would place the Sovereign in a situation of unprecedented embarrassment, if he has to set himself against the deliberately expressed wishes of the representative of the people."

18. Here it may be noted that the Committee does not contemplate the absolute irremovability of the executive. It provides for its removability at the discretion of the Sovereign on the adverse vote of the House on a Resolution of no confidence. In the Committee's own words "It will be provided in our constitution that all Resolutions casting any reflection on the policy of the ministry or its work will be brought to the notice of His Highness to decide what course of action is called for, whether to direct the ministry to change their policy in accordance with the views of the legislature or to dismiss the

ministry either in part or in its entirety or to disregard the resolution altogether if the circumstances should justify it." (Para 213).

19. This in effect is a provision for the removal of the executive at the discretion of the sovereign under circumstances far more embarrassing to the Sovereign. The motion for the address when carried in both Houses will be an index of the existence of grave discontent in the body politics. The Sovereign would welcome it. A no-confidence resolution of the type contemplated by the Committee on the other hand may be a move in the game of party politics and may be carried by a snatch vote. It may have little or no value as an indication to the existence of deep-seated public feeling in the country. While more embarrassing to the Ruler it will just miss the goal of political aspirations of the people. It will have no binding effect on the Ministry.

20. Now the acid test of responsible government is whether the Cabinet is answerable to and may be removed by the Legislature. If it cannot, the system of government is not democracy, but autocracy or a bureaucracy. The question arises here whether responsible government in this sense where the ministry is removable at the bidding of the legislature is consistent with the Sovereign prerogative of the Ruler in an Indian State. Professor Barridale Keith in answering this question states his opinion that responsible government under the aegis of the Sovereign is entirely in consonance with Hindu juristic notions. In a letter congratulating the Maharajah of Cochin on the inauguration of the new Constitution he says "The Sovereign under a system of responsible government, transforms his position from being the mainspring of the government to that of the guardian of the constitution, the living embodiment of the Majesty of the State." Professor Ratnaswamy gives currency to the idea that the Sovereign under a system of responsible government does not become a roi faineant but continues to exercise his

powers in partnership with his people. He is to be the predominant partner, embodying in his person the power of the State, actively inspiring his policy and guarding her social order. (Vide New Review 1938 pp.451-463, May 1939 p.397). We ourselves have accepted this view when by a large majority we agreed to declare full responsible government under the aegis of the Maharajah as our goal.

21. Is the movement for responsible government in the State a manifestation of a genuine public demand or is it a movement engineered by outside activities which, if once crushed will not dare to raise its head again? Here again my want of familiarity with the environment precludes a categorical answer; but the Joint Parliamentary Committee on Indian Constitutional Reforms suggest a solution. In their preliminary observations in the Report they say:- (Vol. I para 10.)

"British Rule in India has favoured the growth of a body of opinion inspired by two familiar British notions that good government is not an acceptable substitute for self-government and that the only form of self-government most worthy of the name is government through ministers responsible to an elected legislature. The Indian problem cannot be understood unless the reality of these political aspirations is frankly recognised."

And they add with profound truth. "The attachment of a people to its government is not always determined by a dispassionate calculation of material interests still less by sentiments of gratitude." (Vol. I para 11) In a word men no longer believe that "whatever is best administered is best": it is "the forms of government" that exercise the minds of men, good government being second best. Hence the movement for self-government is most intensified in the best governed Indian States.

22. Recent events have shown that people in Indian States have come increasingly under the sway of these ideas. The inauguration of Provincial autonomy in neighbouring British

Provinces has brought home to them the comparative inferiority of their status as citizens. The near approach of federation has given fresh impetus to their demand for self-government. Dissimilar units cannot federate. A state under absolute government cannot mate with British Provinces under limited responsible government. We have declared the goal of our advance to be full responsible government under the aegis of the Maharajah. We unanimously recognise that "one way of creating the conditions (favourable to the development of full responsible government) is to put the people under the salutary burden of actual responsibility in such a measure as will not involve risks that are irreparable, thus inducing them to train themselves in ways of effective democratic citizenship." (Report para 123) But when it comes to a practical application of these principles we have not the courage of our convictions. We decline to recommend a particle of responsibility even when there is not the remotest danger of "risks that are irreparable" as would be case under the scheme of an Address to the Throne.

23. I am quite aware of the practical difficulties of enforcing a vote of no confidence against a composite ministry which is collectively responsible. Where the ministry is constituted on party lines as under a system of full responsible government, the ministry stands or falls as a whole. But where it is composed of heterogeneous elements, official in part and elected in part, individual responsibility is difficult to allocate and collective responsibility unfair to enforce. Under diarchy responsibility was said to be blurred as between the two branches of the executive. Here it is inexcricably confused. To attempt to divide it would be to multiply fourfold the drawbacks of diarchy.

It is for this reason that the joint authors of the Montague-Chelmsford scheme preferred diarchy. The results of our scheme are anomalous; because the structure of our executive is anomalous. Under our scheme if responsibility in some form is not

conferred, the constitution becomes unworkable. If responsibility is conferred, it becomes unenforceable.

Here comes the role of the Sovereign as guardian of the Constitution. In England the powers of the Sovereign are either to dismiss the ministry as a whole or to summon the ministry and give them instruction to alter their policy in accordance with the wishes of the legislature or to dissolve the legislature.

Here in addition to these powers the Sovereign will have to decide which individual minister is obnoxious to the legislature on the advice tendered to him by his Chief Minister and call upon that minister to resign.

I am clear in my mind that if we wish to be consistent with the principles we have ourselves laid down, we have to recommend that the executive should be made responsible to the legislature, in however attenuated a form; otherwise we shall lay ourselves open to the charge of rendering lip service to the ideal of responsible government. Accountability of the ministry to the legislature and through the legislature to the electorate is the touch-stone of democratic government. It is the hallmark of free citizenship. Responsibility to be enforced by means of an address to the House is the bare maximum that can be recommended with safety. To grant more would be dangerous. To grant less would grievously disappoint public opinion.

24. I have thought it necessary to embody these views in a separate note. I had no opportunity to press them before my colleagues on the Committee owing to my absence from the meetings. But I consider them to be of sufficient importance to place before Government for consideration. I owe it to myself and I owe it to the Government.

F. X. DeSouza.

Submitted

Dr. De'Souza's dissenting note on the decision to the Union.

The file may, if approved, be sent to Chief Secy. for info.

7/9

Cl. Sec.
7/9

Cl
7/9

Submd

4.9.39

1st member
2nd member

4/9/39

PC
6.9.39

CB.
File.
7/9

D. No. 1540
Enclosure:

Bangalore,

31st August 1939.

Dear Dr. DeSouza,

It was with some surprise that I learnt that you had sent in a separate note in connection with the Report of the Committee on Constitutional Reform. I remember your telling me at the Lal Bagh Show that you had no such intention.

I have just read a copy of your note with interest, but I think that the reference therein to the Government's action after the Viduraswatha disturbances is incorrect, and that the Committee's views about the working of Provincial Autonomy in British India have not been fairly stated. I am surprised that you should accuse the Mysore Government of "repression".

The general criticism about the degree of responsibility sought to be conferred on the executive would certainly be valid, in the abstract, under certain circumstances, but I venture to think, it has little relation to the peculiar conditions of Mysore. That however is a matter of opinion & I cannot gain an entire that's your own.

It is seen that the fact that you dissociate yourself from the views of the majority regarding the working of Provincial Autonomy finds mention in the Report, and that there is also a succinct paragraph explaining your views regarding the nature and composition of the executive. While adding nothing material to your views as already presented in the body of the Report, your Note is likely to affect the reception of the Committee's Report, and ~~may not help~~ will embarrass the Government ~~in any way~~.

The dissenting notes are all expected to be submitted to the Government in about a week's time. If your Note is to be sent in, as it is, to the Government, I am afraid the Chairman would feel bound to make certain observations on behalf of the majority of the Committee, more or less on the lines indicated in his draft note, which is enclosed herewith for your perusal; and the Government also ~~would~~ might be obliged to refer to it in the course of their orders on the Report. May I therefore suggest

that you might consider the desirability of modifying your present Note and substituting a more suitable one in its place? I feel sure that as it stands it would do neither you nor the Government nor anyone else any good.

Yours sincerely,

Dr. F.X. DeSouza, I.C.S. (Retired), M.L.A.,
Lal Bagh Estate,
TARIKERE POST.

Mr. Gun

Dr Souza must the address to

"Lal Bagh Estate

Tankeri P.O.

C.

31/8

D.O. No. 1540
Enclosure

Bangalore,

1st September 1939.

Dear Dr DeSouza,

It was with some surprise that I learnt that you had sent in a separate note in connection with the Report of the Committee on Constitutional Reform. I remember your telling me at the Lal Bagh Show that you had no such intention.

I have just read a copy of your note with interest, but I think that the reference therein to the Government's action after the Viduraswatha disturbances is incorrect, and that the Committee's views about the working of Provincial Autonomy in British India have not been fairly stated. I am surprised that you should accuse the Mysore Government of "repression".

The general criticism about the degree of responsibility sought to be conferred on the executive would certainly be valid, in the abstract, under certain circumstances, but I venture to think it has little relation to the peculiar conditions of Mysore. That, however, is a matter of opinion and you are entitled to hold your own.

It is seen that the fact that you dissociate yourself from the views of the majority regarding the working of Provincial Autonomy finds mention in the Report, and that there is also a succinct paragraph explaining your views regarding the nature and composition of the executive. While adding nothing material to your views as already presented in the body of the Report, your Note is likely to affect the reception of the Committee's Report, and will embarrass the Government.

The dissenting notes are all expected to be submitted to the Government in about a week's time. If your Note is to be sent in, as it is, to the Government, I am afraid the Chairman would feel bound to make certain observations on behalf of the majority of the Committee, more or less on the lines indicated in his draft note, which is enclosed herewith

for

for your perusal; and the Government also might be obliged to refer to it in the course of their orders on the Report. May I therefore suggest that you might consider the desirability of modifying your present Note and substituting a more suitable one in its place ? I feel sure that, as it stands, it would do neither you nor the Government nor anyone else any good.

Yours sincerely,
(Sd) Mirza M. Ismail -

Dr. F. X. DeSouza, I.C.S.(Retired), M.L.A.,
Lal Bagh Estate,
TARIKERE. (P.O.)

DRAFT NOTE BY THE CHAIRMAN.

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In connection with the Report of the Committee on Constitutional Reform, separate Notes or Minutes of Dissent have been received from some of the members, and a few more are expected. Those which have been so far received, with one exception, call for no particular comment, ~~and~~ as they are merely elaborations of views already expressed by the members in the course of discussions in the Committee. The exception is the note sent in by Dr. F.X. DeSouza, in which he has made certain observations that call for comment. The scheme for the Executive proposed by the majority of the Committee has come in for general criticism at his hands on a priori grounds. He admits, however, in para 11 of his Note: "I am not familiar with local conditions like my colleagues on the Committee". It was only after giving due weight to local conditions that the majority of the Committee were satisfied that their scheme had better prospects of success in Mysore than the several alternatives which they had considered and rejected. Dr. DeSouza's criticism is apparently based on a misunderstanding of the Committee's proposals and their suitability to the peculiar conditions of Mysore. He would perhaps have been in a better position to appreciate them if he had not been absent at 41 out of the 64 meetings held by the Committee, and especially between 11th November 1938 and 1st May 1939, when the principal evidence was taken, the general position discussed, and all the recommendations formulated.

2. With regard to the Viduraswatha Disturbances and their implication, Dr. DeSouza, in a separate note attached to the Report of the Viduraswatha Disturbances Enquiry Committee, had taken the following view which has been quoted in our report: "I am unable to say that the prohibitory orders complained of were in excess of the requirements of public safety. On the contrary, the policy of the Government of Mysore towards the Congress movement has been one of marked conciliation. At the height of the agitation, the

Government on more than one occasion held out the olive branch of peace. They proclaimed an amnesty to convicted persons. They announced that they would appoint a Committee on Constitutional Reform empowered to consider a scheme of responsible government. The answer to these advances was intensified agitation, culminating in the Viduraswatha disturbances." It is surprising, therefore, to find Dr. DeSouza stating in his present Note as follows:- ".. But taking a broad view, these disorders and the repression which followed, form an unhappy page in the history of Mysore." It is, however, beyond doubt that, subsequent to the Viduraswatha disturbances, the Government took every measure to conciliate public opinion; and also accorded recognition to the Mysore Congress and appointed some of its representatives to the Constitutional Reforms Committee. It is, therefore, neither in keeping with the facts, nor fair to the Government, for Dr. DeSouza, who was emphatically of opinion that the action taken by the Government even prior to the disturbances did not amount to repression, to say that there was repression subsequently and that this forms "an unhappy page in the history of Mysore."

3. The Committee's observations regarding the working of Provincial Autonomy in the British Indian Provinces are contained in paras 115 and 116 of the Report. The Committee have stated therein: "We cannot avoid referring to the result of this great experiment, as political opinion in Mysore is influenced by its appreciation of the working of the polity in the Provinces. Our impressions are necessarily very tentative, and it is not without hesitation that we venture to offer them." With regard to communal differences, the Committee have remarked: "So long as such suspicions remain, and so long as the minority and majority communities do not work on a common platform, there is at least a risk that the form of responsible government will be used merely to place in power representatives of the majority community." Regarding Parliamentary conventions and traditions, their observations are: "Again, from the words of some of its leading representatives,

it is seen that the Congress Party in the 'Congress Provinces" denies its party status and lays claim to represent the country as a whole, at present ignoring the existence or even the possibility of any Opposition. Whether from this beginning there will follow anything like the party system, which in history has been inseparable from responsible government, may be doubted.' And their final conclusion is: "It is very difficult in the circumstances, to be sure whether "Responsible Government" in British India will develop on anything like the lines of the original model."

4. Dr. DeSouza's remarks thereon, in para 14 of his Note, read as follows: "Lastly it is urged that we should take warning from the fact that the inauguration of responsible government in neighbouring British Provinces, 'the Congress Provinces' as they are called has had very undesirable results. It is said they have ceased to be a true democracy and have degenerated into a regime of Communalism and Fascism, "where the form of responsible government is used merely to place in power representatives of one community to the exclusion of all the others and to stifle all opposition." (Report para 121).

"These observations are scarcely relevant. In the British Provinces the Congress achieved a staggering success at the first elections because they had successfully fought a bureaucratic regime. In Mysore ex-concessis there is no likelihood of the Congress securing such an overwhelming majority and attempting to set up a dictatorship. In any case, the criticism is open to objection. If it is meant as a statement of possible tendencies under a Congress Government with an overwhelming majority, perhaps it is unexceptionable. But if it is meant to be an indictment of existing abuses, the charges are either not true or not proven. What is more, I think, they are in bad taste. I dissociate myself from them."

5. It is to be regretted that Dr. DeSouza should have so completely misrepresented the Committee's position. While he has every right to dissociate himself from any observations of the majority of the Committee, it is hardly proper on his part to characterise them as "irrelevant" or "in bad taste." The references made by him are incorrect, and present the

subject matter in a wholly misleading context. The Committee's observations are worded with all the respect due to the constituted Governments in the British Indian Provinces, and are neither ambiguous nor equivocal. It is therefore difficult to see why Dr. DeSouza imports an ambiguity where none exists, unless it be for the purpose of saying that the Committee's observations are in bad taste. Whatever may be thought of the Committee's taste in making these observations, Dr. DeSouza's own taste in making such characterisations against his colleagues, especially when they have no chance of replying, cannot be commended. It may be added that at the meeting of the Committee held on the 5th August 1939 when the Committee's Report was finally adopted, Dr. DeSouza had agreed that he would not send in a separate note, if the fact that he dissociated himself from the majority's observations regarding the working of Provincial Autonomy was noted in the body of the Report, and a paragraph, as approved by him, added explaining his views regarding the nature and composition of the Executive. This was accordingly done. Notwithstanding this, Dr. DeSouza has, in the meanwhile, changed his mind and thought it fit to send in a strongly worded note which, in important particulars, is as unjust to the Committee as it is unfair to the Government.

DRAFT NOTE BY THE CHAIRMAN.

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In connection with the Report of the Committee on Constitutional Reform, separate Notes or Minutes of Dissent have been received from some of the members, and a few more are expected. Those which have been so far received, with one exception, call for no particular comment, ~~and~~ as they are merely elaborations of views already expressed by the members in the course of discussions in the Committee. The exception is the note sent in by Dr. F.X. DeSouza, in which he has made certain observations that call for comment. The scheme for the Executive proposed by the majority of the Committee has come in for general criticism at his hands on a priori grounds. He admits, however, in para 11 of his Note: "I am not familiar with local conditions like my colleagues on the Committee". It was only after giving due weight to local conditions that the majority of the Committee were satisfied that their scheme had better prospects of success in Mysore than the several alternatives which they had considered and rejected. Dr. DeSouza's criticism is apparently based on a misunderstanding of the Committee's proposals and their suitability to the peculiar conditions of Mysore. He would perhaps have been in a better position to appreciate them if he had not been absent at 41 out of the 64 meetings held by the Committee, and especially between 11th November 1938 and 1st May 1939, when the principal evidence was taken, the general position discussed, and all the recommendations formulated.

2. With regard to the Viduraswatha Disturbances and their implication, Dr. DeSouza, in a separate note attached to the Report of the Viduraswatha Disturbances Enquiry Committee, had taken the following view which has been quoted in our report: "I am unable to say that the prohibitory orders complained of were in excess of the requirements of public safety. On the contrary, the policy of the Government of Mysore towards the Congress movement has been one of marked conciliation. At the height of the agitation, the

Government on more than one occasion held out the olive branch of peace. They proclaimed an amnesty to convicted persons. They announced that they would appoint a Committee on Constitutional Reform empowered to consider a scheme of responsible government. The answer to these advances was intensified agitation, culminating in the Viduraswatha disturbances." It is surprising, therefore, to find Dr. DeSouza stating in his present Note as follows:- ".. But taking a broad view, these disorders and the repression which followed, form an unhappy page in the history of Mysore." It is, however, beyond doubt that, subsequent to the Viduraswatha disturbances, the Government took every measure to conciliate public opinion; and also accorded recognition to the Mysore Congress and appointed some of its representatives to the Constitutional Reforms Committee. It is, therefore, neither in keeping with the facts, nor fair to the Government, for Dr. DeSouza, who was emphatically of opinion that the action taken by the Government even prior to the disturbances did not amount to repression, to say that there was repression subsequently and that this forms "an unhappy page in the history of Mysore."

3. The Committee's observations regarding the working of Provincial Autonomy in the British Indian Provinces are contained in paras 115 and 116 of the Report. The Committee have stated therein: "We cannot avoid referring to the result of this great experiment, as political opinion in Mysore is influenced by its appreciation of the working of the polity in the Provinces. Our impressions are necessarily very tentative, and it is not without hesitation that we venture to offer them." With regard to communal differences, the Committee have remarked: "So long as such suspicions remain, and so long as the minority and majority communities do not work on a common platform, there is at least a risk that the form of responsible government will be used merely to place in power representatives of the majority community." Regarding Parliamentary conventions and traditions, their observations are: "Again, from the words of some of its leading representatives,

it is seen that the Congress Party in the 'Congress Provinces" denies its party status and lays claim to represent the country as a whole, at present ignoring the existence or even the possibility of any Opposition. Whether from this beginning there will follow anything like the party system, which in history has been inseparable from responsible government, may be doubted." And their final conclusion is: "It is very difficult in the circumstances, to be sure whether "Responsible Government" in British India will develop on anything like the lines of the original model."

4. Dr. DeSouza's remarks thereon, in para 14 of his Note, read as follows: "Lastly it is urged that we should take warning from the fact that the inauguration of responsible government in neighbouring British Provinces, 'the Congress Provinces' as they are called has had very undesirable results. It is said they have ceased to be a true democracy and have degenerated into a regime of Communalism and Fascism, "where the form of responsible government is used merely to place in power representatives of one community to the exclusion of all the others and to stifle all opposition." (Report para 121).

"These observations are scarcely relevant. In the British Provinces the Congress achieved a staggering success at the first elections because they had successfully fought a bureaucratic regime. In Mysore ex-concessis there is no likelihood of the Congress securing such an overwhelming majority and attempting to set up a dictatorship. In any case, the criticism is open to objection. If it is meant as a statement of possible tendencies under a Congress Government with an overwhelming majority, perhaps it is unexceptionable. But if it is meant to be an indictment of existing abuses, the charges are either not true or not proven. What is more, I think, they are in bad taste. I dissociate myself from them."

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LEGISLATIVE ASSEMBLY

Lallagar Estates

Tarikere P.O. 8th Sept. 39

Dear Sri Mirza,

I received your registered letter of 1st inst only yesterday. Deliveries of registered letters are belated in Coffee Estates. I hasten to send a reply.

2 I am afraid you are under some misapprehension about what I told you at the Lallagar Show. When we passed each other on our rounds and you asked me whether I intended to send a dissenting note, I had not then fully made up my mind. I was explaining my attitude when another passer by caught your eye and you engaged him in conversation. I moved on and probably left the

impression in your mind that I was not going to send in a separate note

3 The fact is that I had that very morning shown my draft note to the Secretary for verifying certain details. When in the course of the day Chapter IV of the Report came up for final discussion at the meeting of the Committee and members were asked to express their views, I stated that my views were embodied in my draft note and the Secretary at my request prepared a succinct summary which was circulated among the members. Some of the members including the Chairman objected that the Summary was too argumentative to be included in the body of the Report. I agreed with the criticism adding that I would consider whether it would not be better for me to send in the whole Note. So I wrote to the Chairman from Mangalore not to print the Summary in the body of the Report and I would present my full dissenting note in person on the day we were to meet for final approval

LEGISLATIVE ASSEMBLY
DIEU ET MON DROIT

and Signature of the Report. To this course the Chairman agreed adding that the Summary had already been printed but that would not make any difference.

4 I thought it all the more necessary to send in my full Note as on a more careful perusal of the Report. I found that it enunciated propositions of Political Science and Constitutional History to which as a Student of Politics and Growth of Constitutions I could not possibly put my name. You will observe that my Note is a general criticism on abstract grounds of the Committee's proposals - grounds which I believe to be of universal application. I therefore felt it my duty to elaborate my views in a Separate Note partly for the sake of my own reputation and partly that my Note may serve as a warning to Government that in my opinion the proposed Constitution was likely to break down.

5 The Chairman's Note, copy of which you enclose is a criticism about phrases. He objects to my remark

in para 14 of my Note that the observations on provincial autonomy are "irrelevant" From the context he would have seen that what I meant was that they were not applicable to Mysore as Mysore would never have an overwhelming Congress majority like ~~Mysore~~ Madras and therefore the Committee's criticism would not be applicable to Mysore. If it would please the Chairman's better I am prepared to substitute the words "Scarcely applicable" for "Scarcely relevant." A little more familiarity with the language of the Law Courts would have rendered the Chairman less prone to take offence.

Then he meets my criticism that the observations were in bad taste with the scarcely dignified retorque that my remark was in equally bad taste. Be this as it may I certainly "did not import any ambiguity" into his observations. If I did, I erred in good company for you told me yourself at one of your At Homes that the journalist Mr Pottiman Joseph had put the same construction on the Committee's observations, and disapproved of them. I then told you that I had expressed the same views before the Committee but they were not accepted. Before the Committee I used the words "discussions" to the provincial govts concerned.

6 There remains the criticism that I accused the Government of a policy of repression towards the Congress. Nothing could have been further from my thoughts. In my supplementary Note to the Majority Report on the disturbances, I praised a tribute to the conciliatory policy of the Government towards the Congress. But that does not prevent Vidurawsvata being a painful episode in the placid annals of the recent history of Mysore - painful to the Congress for the excesses of which they were guilty, painful to the Government for the measures to which they had to resort for suppressing the riot. That is what I meant by repression. If "repression" in this sense had not been used, Government would have abdicated its functions.

7 I am sorry I have been the cause of raising this storm in a teacup. My only motive in writing the Note was to forewarn the Government about the dangers of a breakdown. The last thing in the world I would think of doing is to embarrass the Govt. If you think it will be the likely effect of my

Now, I have no objection to its being modified in any manner you think fit or withdrawing it altogether. If I have given a warning to God according to my light my purpose will have been served,

Yours Sincerely

F. C. De Sousa.

No. 204/ Enc 1. (Original letter)

10th September 1939.

My dear Mr Srinivasiengar,

I wrote to Dr F. X. De Souza with reference to the separate note he had sent in in connection with the Committee's report on constitutional reform and have just received his reply, which I am enclosing for your perusal.

I shall be obliged if you will kindly let me know what you think I should tell Dr De Souza in reply.

Yours sincerely,

Sd. M. S.

Rajasabhabhushana, Dewan Bahadur,
K. R. Srinivasiengar, Esq., M.A.,
Chamarajpet,
BANGALORE CITY.

Submitted
M 10-9
11/9

D. O. No. 1818

Bangalore,

11th September 1939.

Dear Dr De Souza,

Thank you very much for your letter of the 8th instant. It was very good of you to write to me at such length.

I have gone through your note once more and feel sure that it would give just the handle that our local agitators needed to attack Government and the report and cause unnecessary trouble to Government. So may I take you at your word and request you to withdraw it ? I would not have suggested this if I did not feel sure that it is in the best interests of the State that it should be done. I am grateful for your helpful and friendly attitude.

With all kind regards,

Yours sincerely,

Sd. MIRZA M. ISMAIL

Dr. F. X. De Souza, M.L.A.,
Lalbagh Estates,
TARIKERE. (P.O.).

"COPY"

Rajasabhabhushana Diwan Bahadur
K.R.Srinivasa Iyengar, M.A.,
Chairman, Committee on
Constitutional Reform in Mysore.

Bangalore,
13th September, 1939.

No. 205/CRC/Enc. 1.

Dear Sir Mirza Ismail

I thank you for your kind letter of the 10th instant, enclosing Dr.F.X.DeSouza's reply which I am returning herewith. I note that Dr.DeSouza has expressed his readiness to modify or withdraw his Note as he may be advised by you. Even if he were to delete certain phrases and passages in his Note to which objection can be taken, the general trend of the subject matter would be left unaffected and would still stand in need of a reply. Dr.DeSouza refers in his letter to a first draft of his Note which he showed to the Secretary. The Secretary tells me that he pointed out certain passages to him which were either inaccurate or not properly worded, and that Dr.DeSouza promised to modify them. The present Note, however, as modified is in some respects even more strongly worded than the original. In these circumstances, I should prefer to take the Note as it is, and make my observations thereon rather than wait for a fresh Note, which might after all not vary much from the present one. Matters would, however, be certainly simplified if he can see his way to withdrawing the Note; and I shall be glad if he does so, as it will save much unpleasantness.

12-9-39
Ca
14/9

2. Personally I have the highest regard for Dr.DeSouza and his views - a regard which I am sure is shared by the other members of the Committee. But as admitted by himself (vide para 11 of his Note), he is not familiar with local conditions; and he was absent from the meetings of the Committee when the subjects dealt with by them were discussed in detail, so that he had no opportunity of fully understanding the considerations which weighed with the Committee in arriving at the decisions recorded by them. Nevertheless, he is

certainly entitled to express his opinion on the recommendations of the Committee and to freely criticise them: provided such criticism is fair and is based on a correct statement of facts. But I regret to have to say that, as I shall point out later on, his criticism of the Report and some of the observations thereon are neither consistent with facts nor fair to my other colleagues on the Committee; and I feel that I shall be failing in my duty to myself as well as to them if I allowed them to go unchallenged and unrebutted. Dr. DeSouza has in his letter to you referred to the matter as a "storm in a tea cup." But the remarks he has made are of so serious a nature that they cannot be dismissed light-heartedly as he wishes to do.

3. In para 14 of his Note, Dr. DeSouza has assumed certain statements and observations as having been made by the Committee with reference to the Congress Ministries in British Indian Provinces, and on the strength of such assumption has characterised the statements and observations as "scarcely relevant" and "in bad taste." I cannot make out wherefrom he has taken the statements and observations which he attributes to the Committee, and to which he takes exception. They certainly do not find place in para 121 of the Report which is referred to by him; nor are they to be found anywhere else in the Report. I may say that at the final stage of the adoption of the Report every sentence and word was carefully weighed and the Committee took particular care to avoid expressing any views or making any comments which might be construed as casting a reflection on the working of the Congress Ministries. In these circumstances it is quite unfair for Dr. DeSouza to attribute to the Committee sentiments and views not expressed by them anywhere and to criticise them as being irrelevant and in bad taste. The Committee consisted of such eminent members as the Vice-Chancellor of the Mysore University, a retired Chief Justice, distinguished lawyers, journalists and public men; and Dr. DeSouza is treating them with scant courtesy in suggesting that they allowed

any matter which is irrelevant or in bad taste to go into the Report. Dr.DeSouza was himself present when the draft Report was scrutinised word for word, and passed by the Committee. But he did not take ~~any~~ objection to any portion of it or any words in it as being 'irrelevant' or 'in bad taste'. In his letter to you, Dr.DeSouza has tried to explain away his observations by saying that he used the word "relevant" in the terminology of the Evidence Act. I may claim (as also many of the members of the Committee) some amount of familiarity with the Law of Evidence; but ~~mu~~ I must confess that I cannot conceive what Dr.DeSouza exactly means by the use of the word as understood in the Evidence Act. At any rate, the average uninitiated reader of the Report would not be guided by the Evidence Act and would take the words in their plain dictionary meaning.

4. In the same paragraph (14) of this note, Dr.DeSouza says: "In any case, the criticism is open to objection. <u>If it is meant</u> as a statement of possible tendencies under a Congress Government with an overwhelming majority, perhaps, it is unexceptionable. <u>But if it is meant</u> to be an indictment of existing abuses, the charges are either not true or not proven. What is more I think they are in bad taste". I have underlined the alternatives in order to show at a glance that Dr.DeSouza's observation in his letter that he "certainly did not import any ambiguity" is not tenable. When Dr.DeSouza admits that under the first alternative the remarks are unexceptionable, he owes it to his colleagues to explain which passage it was that gave him the idea that the second alternative was also possible. He has not done so. I may assure you that there is no such passage, as a perusal of the Report will convince you. It is surprising to find Dr.DeSouza adding: "If I did, I erred in good company for you told me yourself at one of your At Homes that the journalist Mr.Pothan Joseph had put the same constructio

on the Committee's observations, and disapproved of them". I should have imagined that Dr.DeSouza would have realised the difference between a journalist expressing views in casual talk, and a member of the Committee recording his considered criticism. At that time, moreover, Mr.Pothan Joseph could not have seen the relevant paragraphs as revised by the Committee, and his remarks were, in all likelihood, based on hearsay.

5. With regard to his observations about the 'repression' which followed the Viduraswatha disturbances, Dr.DeSouza now says in his letter that by 'repression' he merely referred to the measures which the Government had to resort to for suppressing the riot; and goes on to add: "If 'repression' in this sense had not been used, Government would have abdicated its functions". If the Government did no more than their duty in the circumstances, it is difficult to see why Dr.DeSouza should have commented in the manner he does. However that may be, he has used the word "repression" in a context where the average reader would certainly not understand it in the sense in which he wants it to be interpreted. If the word is construed in the ordinary sense, as any reader will do, the reference to repression following the Viduraswatha disturbances will, as pointed out in the previous note drafted by the Secretary, be incorrect and inconsistent with facts.

6. I must now add a few lines regarding Dr.DeSouza's substantive criticism of the Committee's proposals. He is so seriously impressed with the dangers inherent in these proposals that he has said in his letter that his Note was intended partly to serve as a warning to Government that in his opinion the proposed constitution was likely to break down. He repeats this idea again in para 7 of his letter where he says: "My only motive in writing the Note was to forewarn the Government about the dangers of a breakdown", and concludes

with the observation "if I have given a warning to Government, according to my lights, my purpose will have been served". He has evidently got the idea from the Montagu-Chelmsford Report and he says in para 3 of his Note that the position of an Executive like that proposed by the Committee, confronting a democratic legislature, was subjected to a searching criticism by the joint authors of the Montagu-Chelmsford Report and that they were of opinion that it would break down under unfavourable conditions. But it is of interest to note that twelve years later, the Government of India in their Despatch on the Statutory Commission's recommendations for constitutional reform put forward a proposal for an Executive on lines similar to those now favoured by our Committee, and were favourably impressed with the prospects of its success. (Vide paras 114 to 122 of the Government of India Despatch).

7. The only practical suggestion that Dr.DeSouza has made is: "that responsibility to be enforced by means of an address of the Houses is the bare maximum that can be recommended with safety". He admits that "to grant more would be dangerous; to grant less would grievously disappoint public opinion". Dr.DeSouza says in para 19 of his Note: "The motion for the address when carried in both the Houses will be an idex of the existence of grave discontent in the body politic. The sovereign would welcome it". On the other hand, the Committee have given their reasons at considerable length for holding that the method of controlling the ministry by means of addresses voted by a prescribed majority of both the Houses would take away the sovereign's discretion to act and would be embarrassing to him so long as he has to retain his ultimate responsibility for good government and for the discharge of his Treaty obligations to the Paramount Power.

8. With his pre-possessions in favour of dyarchy, Dr.DeSouza may not concede that the Committee have sought to confer a wider although more diffused responsibility on the ministry in the whole sphere of government rather than a restricted and limited responsibility in respect of certain transferred subjects only. But he is scarcely doing justice to the Committee's proposals when he says in para 15: "We refuse to introduce the element of responsibility". He repeats the charge several times. Thus, he says in para 22: "We decline to recommend a particle of responsibility, even when there is not the remotest danger of risks that are irreparable", and again in para 23: "We have to recommend that the Executive should be made responsible to the legislature in however attenuated a form; otherwise we shall lay ourselves open to the charge of rendering lip service to the ideal of responsible government". I must say that this is not a correct statement of the Committee's proposals. The Committee does contemplate a certain amount of responsibility on the part of the Ministry to the legislature; though not full responsibility in the sense that the ministry could automatically be removed on an adverse vote of the Legislature. The responsibility to the Legislature will be coupled with responsibility to the Sovereign and the Ministry will, in general, be subject to his direction and control.

With kind regards,

Yours sincerely

M Ismail

Amin-ul-Mulk
Sir Mirza M.Ismail, K.C.I.E., O.B.E.,
Dewan of Mysore.

D. O. No. 1883.

BANGALORE,

15th September 1939.

My dear Mr. Srinivasa Iyengar,

I thank you very much for your letter of September 13 sending me your comments on Dr. DeSouza's letter with reference to his supplementary note to the Majority Report of the Committee on Constitutional Reform. I agree generally with your views. I have suggested to Dr. DeSouza that he may withdraw his supplementary note altogether and I hope he will not disagree again !

Yours sincerely,

MIRZA M. ISMAIL.

Rajasabhabhushana
Diwan Bahadur K.R.Srinivasa Iyengar, M.A.,
Chairman,
Committee on Constitutional
Reform in Mysore,
BANGALORE.

" COPY. "

LEGISLATIVE ASSEMBLY
DIEU ET MON DROIT

6 Infantry Road,

Bangalore 15th Sep. 39

Dear Sir Mirza,

I received your note of 11th instt. on arrival here yesterday.

As I informed you in my note of 8th instt I am quite willing to withdraw my note as you think it will cause unnecessary trouble to Govt and it is in the best interests of the State that I should do so.

I thought my Note would be helpful to Govt. You think it will have just the opposite effect. It contains my honest views formed after deep thought. The future alone will show whether I am right. But

this I know that my repudiation in political circles British and Indians stands to suffer if I identify myself with the Simonite crude views on politics and economics embodied in the majority Report.

But whether I am right or wrong, I do not know how much my repudiation stands to suffer. I don't mind if I have to suffer for the benefit of the Nation. Other wise I am prepared to withdraw it. Salus populi Suprema lex.

I hope I shall prove a false prophet. With all good wishes, believe me,

Yours Sincerely

F. X. De Souza.

Copy to Mr K. R. S.

I mind his upholding the views of the Report. He has made the benefit of the doctrine of the Report.

Mr Gangadhar

CARLTON HOUSE,
BANGALORE.

16th September 1939.

Dear Dr De Souza,

Many thanks for your letter of yesterday's date.

I am much obliged to you for your friendly co-operation in withdrawing your supplementary note to the Majority Report. I am so glad you have realized my point of view of the matter.

I do not think you need entertain any misgiving that your reputation will suffer by subscribing to the Committee's Report. The points of disagreement between you and the other members of the Committee have been set out in the Report itself, so that the public are in a position to judge how far you endorse the recommendations of the Committee. If the case were otherwise, I would not have made the suggestion which I did and which you have now accepted with such good feeling. Thank you both. May you with full happiness your celebration.

With renewed thanks and all good wishes,

May seem sufficient.

Yours sincerely,

Mirza M. Ismail

C-H-229

16th September 1939.

Dear Dr De Souza,

Many thanks for your letter of yesterday's date.

I am much obliged to you for your friendly co-operation in withdrawing your supplementary note to the Majority Report. I am so glad you have realized my point of view of the matter.

I do not think you need entertain any misgiving that your reputation will suffer by subscribing to the Committee's Report. The points of disagreement between you and the other members of the Committee have been set out in the Report itself, so that the public are in a position to judge how far you endorse the recommendations of the Committee. That seems sufficient. If the case were otherwise, I would not have made the suggestion which I did and which you have now accepted with such good feeling. I have no doubt that you will feel happier yourself later on.

With renewed thanks and all good wishes,

Yours sincerely,
(Sd) Mirza M. Ismail

Dr. F. X. De Souza,
6, Infantry Road,
BANGALORE.

Filed
20/9-9
C/9/9

C. H. 228
One.

16th September 1939.

My dear Mr Srinivasiengar,

I have just received a letter from Dr F. X. De Souza in which he agrees to withdraw his supplementary note and enclose a copy for your information. I am very glad he did not change his mind, as I was afraid he might!

Yours sincerely,
(Sd) Mirza M. Ismail.

Rajasabhabhushana, Diwan Bahadur,
K. R. Srinivasiengar, Esq., M.A.,
Chamarajpet,
BANGALORE CITY.

Sukh Prakash
20/5-9

C. 17/9

Submitted

Correspondence with Dr. J.X. De Souza about his supplementary note to the Majority Report of the C.R. Committee

Submitted for ordering whether the Correspondence should have or not to the Chief Secy. forwarded in the Confidential Branch

19/9/9

Ch. Secy. 19/9

Secy. to C. Secy.

19/9

Ch. Secy. 19/9

DEWAN'S OFFICE
24.6.54
with Do' Cama

Rajasabhabhushana Diwan Bahadur
K. R. SRINIVASA IYENGAR, M.A.,
Chairman, Committee on
Constitutional Reform in Mysore.

No. 209/CRC

PUBLIC OFFICES,
Bangalore, 18/9/1939.

Dear Sir Mirza Ismail

I thank you for your kind letter of the 16th inst. enclosing a copy of Dr. X. D'Souza's letter of the 15th inst. I am really glad that he has agreed to withdraw his supplementary note.

Yours sincerely
K. Srinivasa Iyengar

18/9

No. 212. /CRC/Encl:2 pps
1 packet.

PUBLIC OFFICES,

Bangalore, dated, 18th Septr.1939.

...

From

Rajasabhabhushana Diwan Bahadur
K. R. Srinivasa Iyengar, M. A.,
Chairman, Committee on Constitutional
Reform in Mysore, Bangalore.

To

Amin-ul-mulk
Sir Mirza M. Ismail, K.C.I.E., O.B.E.,
Dewan of Mysore,
Bangalore.

Sir,

In continuation of my letter dated the 31st August 1939, submitting the Report of the Committee on Constitutional Reform, and as promised by me therein, I have the honour to submit herewith the Separate or Dissenting Notes received from the undermentioned members of the Committee:-

1. Rajasevasakta Mr. S. Hiriannaiya
2. Rev. W.E.Tomlinson
3. Mr. B. S.Puttaswamy
4. The Muslim members of the Committee
5. Mr. D. H. Chandrasekharaiya
6. Mr. R. Chennigaramiah
7. Sri.K. D. Rukminiamma
8. Mr. T. Ramachandra
9. Mr. Bhupalam Chandrasekhara Setty
10. Mr. J. Mahomed Imam.

The Notes were required to be sent up by the members before the end of last month and the majority of them were received on or before 31st August 1939. Although Mr.D.H.Chandrasekharaiya's Note was received before the 31st August, he made several revisions in it subsequent to that date. Mr. Mahomed Imam's Note was received only on the 12th instant. The Notes promised to be sent by Rajadharmapravina Diwan Bahadur P. Mahadevayya and Mr.D.V.Gundappa have not yet been received. I understand that Mr.D.V.Gundappa is laid up with fever and has been under treatment in the Victoria Hospital for the past three weeks. A copy of a letter received *from him*, together with its enclosure, is sent herewith for the consideration of Government. I have informed him as well as

Mr. Mahadevayya that if they wish to send any Notes they may submit them direct to the Government.

It is seen that all the Notes so far received merely elucidate or explain at greater length the views which were put forward by the several members before the Committee, and which have already been briefly referred to in the Report. As the Committee arrived at their decisions only after a full and careful consideration of all the arguments adduced for and against each point, I do not consider it necessary now to make any comment or observation on these Notes.

I have the honour to be,
Sir,
Your most obedient servant,

CHAIRMAN.

D.V. GUNDAPPA.

Nagasandra Road,
Basavangudi P.O.
Bangalore City (South India).

17th Sept. 1939.

Dear and esteemed Sir,

I enclose with this for your information a copy of a letter which I have sent this day to the Chief Secretary to Government.

I shall thank you for helping me in this matter in any way that may be open to you.

May I take this opportunity to express my deep felt and sincere thankfulness for the great kindness which you have been pleased to show me all these days and particularly during the days of my illness.

I am getting better and so are the other members of my family.

With respectful regards,

I remain,
Yours very sincerely,

Sd/- D.V. Gundappa.

Rajasabhabhushana Diwan Bahadur
K.R. Srinivasa Iyengar Esq.,M.A.,
Chairman, Mysore Constitutional
Reforms in Mysore,
BANGALORE.

"COPY"

D.V. GUNDAPPA.

Nagasandra Road,
Basavangudi P.O.
Bangalore City,

18th September 1939.

URGENT

To

Rajasevaprasaktha
B.T. Kesaviengar Esq., B.A.,
Chief Secretary,
Government of Mysore,
Bangalore.

Dear Sir,

My attention has just been drawn to a news paragraph headed "Mysore Reforms Report" published on page 10, column 5, of the "Hindu" dated Thursday the 11th September 1939; and in that connection, I beg to write this to ask for some information.

As the news Paragraph says, I have been lying ill in the Victoria Hospital for the last 23 days; and it is likely I may have to continue here for a week or ten days more. So situated, I am anxious to know which the last date approximately is within which I should submit my Note of Dissent in order to secure for it the kind consideration of Government.

Could I have time for it till the middle of October? Or should I send the Note earlier in order to ensure its being printed and published with the Report?

I expect to be discharged from the Hospital about the 24th of this month and I would require at least some 10 days for preparing my Note. That would mean roughly the end of the first week of October.

I shall thank you for kindly representing my circumstances stated above to Government and informing me as early as possible the final date by which I should have sent in my Note of Dissent in order to have it considered by Government and included in the published Report.

With respectful regards,

I remain,
Yours sincerely,

(Id) D.V.G.

"copy"

COMMITTEE ON CONSTITUTIONAL REFORM IN MYSORE.

*****

Names of members of the Committee who have sent their Dissenting Minute or Separate Note to the Committee's Report.

*****

1. Rajasevasakta Mr. S. Hiriannaiya.
2. Rev. W. E. Tomlinson
3. Mr. B. S. Puttaswamy
4. The Muslim Members of the Committee (Messrs.Mohommed Abbas Khan, J. Mahomed Imam and Mahomed Hanief).
5. Mr. D. H. Chandrasekharaiya
6. Mr. R. Chennigaramiah
7. Sri. K. D. Rukminiamma
8. Mr. T. Ramachandra
9. Mr. Bhupalam Chandrasekhara Setty
10. Mr. J. Mahomed Imam.

COMMITTEE ON CONSTITUTIONAL REFORM IN MYSORE.

Note of Dissent

by

MR. S. HIRIANNAIYA.

* *
*

RECOMMENDATION OF THE COMMITTEE ON THE goal of Constitutional advance in Mysore.

NOTE OF DISSENT - BY MR. S. HIRIANNAIYA

I regret I cannot agree to the proposal of my colleagues to recommend a declaration on the goal of constitutional advance in - Mysore.

The history of such declarations is not encouraging. The Mantague declaration of August 1917 on the analogy of which the present recommendation is evidently made raised more problems than it solved. Within the last few months the Balfour declaration about a National Home for Jews in Palestine has become the subject of acute differences of opinion as to its correct interpretation and the British Government is charged by one of the - parties with breach of faith. Lord Curzon tried to explain away the famous proclamation of Queen Victoria. Such declarations, if they are to be of any use, should be free from - ambiguity and equivocation, should be definite in scope and should be capable of being implemented by the Government in the near and not in an uncertain future. If the promises held out and the hopes raised are not for any reason fulfilled there will be justifiable political discontent in the country which it should be the part of statemanship to avoid. Political

developments

not have the support of the legislature? If so, the second ~~confidence~~ Condition becomes superfluous and should be eliminated. If on the other hand, it is the idea that he should invariably select only those ministers who enjoy the support of the legislature whether or not they possess his confidence, then the type of Government will be indistinguishable from " Full Responsible Government " and it is better to say so plainly. The dilemma involved in the Committee's formula is insoluble and the Constitution proposed is liable to frequent dead-locks ~~if~~ with no remedy to meet the crisis short of suspension. The declaration will not satisfy any section of political opinion in the State - least of all will it satisfy the ~~Congress Party.~~ Mysore Congress, whom, I imagine, it is designed to placate.

My colleagues are anxious - and I fully - agree with them that adequate safe-guards for the protection of minorities should be incorporated in any scheme of reforms that we might recommend and they have accordingly embodied in the formula under consideration the words " The powers of His Highness to safe guard the interests of all classes of His Highness' subjects including the minorities, etc., remaining unaffected and supreme in all ~~consideration~~ circumstances". But will these safe-guards be effective? From the deliberate choice - to the exclusion of all other alternative suggestions - of the expression " Responsible Government " which has acquired a definite and well understood connotation in political parlance and the ~~observance~~ observations in paragraphs 119 & 240 -

of the report it is obvious that my colleagues intend-notwithstanding the inconsistency ~~if~~ with the conditions in the declaration-that the power of making and unmaking ~~the~~ ministries which is of the very essence of "Responsible Government" shall ultimately be vested solely in the legislature. If so, the reserve powers of the Maharaja will in practice become inoperative though advocates of Responsible Government are chary of admitting the fact. The recent Orissa example must have made it clear to all that the Governor's veto is more nominal than real. Similarly, and perhaps even more so, reserve powers theoretically vested in a Ruling Sovereign will become wholly illusory. It should be unnecessary to labour this point but for the insistent assertion before this Committee and outside by ~~the~~ supporters of Responsible Government that they do not seek to interfere with the existing powers of the Maharaja in the administration. Let us test this contention by considering a practical example. Suppose, the ministry in power proposes a system of communal rotation for promotion in the Public Services - not an unlikely event as we know from what happened in Madras under the Justice Ministry - and the Maharaja ~~veto's~~ vetoes the proposal as unjust and unwise. What will happen? The Government will resign and the Sovereign will not be able to get an alternative ministry, as the latter

will

will not be able to command a majority in the legislature. The ~~resolution~~ dissolution of the parliament is the only other solution, but no wise monarch will appeal to the country and place himself or set up a "King's party" in opposition ~~to~~ to a section of his own subjects. It is inevitable therefore that he must ~~xxx~~ yield and allow the ministers to have their way. " A political veto ~~should~~ could be exercised by an elective President, not by a Constitutional Sovereign " says Dr. Keith (P. 204 " The King and the Imperial Crown "). The result will be that the minorities - particularly communal minorities - would be deprived of all protection.

These considerations make it abundantly clear that under any scheme of Responsible Government not merely the reserve powers, but the entire authority of the Ruler will vanish. Writing about the position of a " Constitutional Monarch " under Responsible Government Sir William Anson observes - " The King should not take advice from others in matters of State unknown to them (Ministers), he should not give public expression to opinions on matters of State without consulting them and, it may be added, without ~~confirming~~ conforming his opinion to their views so far as they desire, and so long as they remain in office he should accept the advice tendered to him by them as a Cabinet and lend them his support ".

In other words the ruler in such a Government cannot ~~given~~ even expression to his opinions on political matters, except with the leave of and in conformity with the views of his Ministers! The people of Mysore are deeply attached to the Ruling

family

family and there is a large mass of patriotic opinion in the country which would view with - abhorrence any attempt to deprive the ruler of all his powers and reduce his position to a shadow in the Government of the country. Under the beneficient reign of three Sovereigns we have prospered for ~~60~~ sixty years and have now a Government which for purity, efficiency, and responsiveness to popular views and sentiments is hardly ~~equal~~ equalled by any Government in India. Would it not be a strange return now to ask that the powers of the Ruler should be taken away?

And who is it that will exercise these powers under Responsible Government? Perhaps, a party caucus or ministers with authoritarian tendencies who would show scant respect to views and opinions not their own! Let us not have autocracy any where; ~~where~~. Let us, to this end, interpose the necessary checks and balances but let us take care that we do not at the same time install a new autocracy under the guise of "Responsible Government". Let us liberalise the machinery of Government-not excluding the Chief Executive-by adopting all the devices ~~devises~~ of a democratic constitution but let us stop at eliminating the Ruler ~~Ruler~~ entirely from the picture! No doubt, the retort will be made that " Good Government is no substitute for Self Government ", but is there not atleast as much truth in the converse of that somewhat overworked slogan? To many, it is - equally true that self Government is no substitute for Good Government.

Oriental Kingship and occidental polity do

not

not wholly go together. In the scheme of Reforms proposed by us almost every feature and safeguards of a fully democratic constitution except ministerial responsibility to the legislature has been - adopted but such responsibility is not a sine qua non of true democracy. It does not exist in the Government of the most democratic country in the world - the United States of America. Let us not therefore too hastily commit ourselves to the scrapping of the entire structure; let us remember the wise caution uttered by Sir M. Visvesvaraya not to allow " A rash break with traditions " but build on existing foundations. Let us adopt all that is wanted to satisfy our present political needs and leave the further evolution of the constitution to the future.

Sri Aurobindo
19/8/39

COMMITTEE ON CONSTITUTIONAL REFORM IN MYSORE.

Separate Note

by

Rev. W. E. Tomlinson.

****

15/CRC 2318

MINUTE OF DISSENT.

Little though I desire to sound any note of dissent, I must explain why, with the approval of the six members who voted with me as recorded at the foot of p.125 of the Report, I made the proposal I did.

We, of the minority in the vote to which I have referred, are as emphatic as any member of the Committee that the right to exercise even fundamental rights must in particular circumstances be conditioned by the necessity to preserve public peace; but this condition applies equally to all fundamental rights. We therefore desire that, before the list of fundamental rights named on p.125, instead of the sentence, 'Regarding access to public roads, wells, tanks .... the maintenance of public peace and order,' the following words should be inserted - 'It is understood that the exercise of all these fundamental rights shall be subject to the maintenance of public peace and order.'

We are strongly of the opinion that to make this condition with special reference to only two of the eleven

fundamental rights which we desire to protect will do little more than invite disorderly opposition from those who object to the exercise of such rights by people of other religious profession than their own. In particular the statement of the ninth fundamental right, as it stands, in our judgment asks for violence from those who have hitherto denied 'right of access to, and use of, public roads, wells and tanks, and other places of public resort,' to the members of the Depressed Classes, to mention no other community. Thus to limit the condition referring to the maintenance of public peace and order to any individual right of the eleven in our list, may expose us, however unfairly, to a charge of insincerity which we should all greatly deplore.

COMMITTEE ON CONSTITUTIONAL REFORM IN MYSORE.

Minute of Dissent

by

Mr. B. S. Puttaswamy.

...

Note of dissent by Mr. B.S. Pillaiswamy

I feel constrained to append the following note of dissent in regard to the formula of the ultimate goal to be kept in view in the constitutional advancement of our country. In fact, in the beginning, I was one of the Members of the Committee who felt that a declaration of the ultimate goal in constitutional advance was neither desirable nor necessary. While I feel that there is much force in the objections raised against such a declaration, I am of opinion that the balance of advantage would still be in -- favour of such a declaration, provided we can have a formula which would be consistent with the fundamental political ideology and conditions and circumstances of our State.

The formula that is now recommended by the majority of the Committee does not commend itself to me as it carries within itself the seeds of conflicting ideas. It lays emphasis on the form of Government "in which the administration is carried on by a Cabinet of ministers appointed by His Highness the Maharaja enjoying the confidence of His Highness the Maharaja and the support of the -- Legislature". This amounts to the Parliamentary form of Government that is obtaining in the United Kingdom. The King in England, in theory, appoints his ministers who enjoy his confidence, but in actual practice, the King has no choice in the matter of appointing his -- ministers nor are the ministers removable at the King's pleasure. They hold office so long as they enjoy the confidence of the Legislature. My colleagues who are in sympathy with this formula emphasise also that the ministers should in fact be appointed by the Ruler -- himself and that they should be doubly responsible to the Ruler as well as to the Legislature. Such a device of double responsibility ~~an arrangement~~ is sure to result in conflicts. There will also be a tendency to over-emphasise the ministerial responsibility to the Legislature and to treat the responsibility to the Sovereign as a matter of mere courtesy. I feel therefore that by defining the term 'Responsible Government' in the manner as is done in the -- present formula we are unconsciously introducing the opposing elements which, in the process of development, act as the thin end of the wedge

to ~~undermine~~ destroy the very basis of our constitution which we seek most to preserve.

The formula then refers to the vesting in the Maharaja of powers by way of constitutional safeguards for implementing the Treaty obligations and also for ensuring peace, order and good Government, as well as for protecting the interests of the minorities. On a careful reading of the formula it will be seen that these -- safeguards will at best be analogous to the Special Powers of -- Responsibility vested in the Governors and the Governor-General under the Government of India Act 1935. But we have seen that in British India ~~these powers are being attempted~~ the attempt is being made to ~~be~~ reduce these powers to a nullity. The natural inclination of a popular ministry ~~is~~, -- especially when it is lured by an ideal which is embodied in a declaration, is to encroach on the region of reserve powers and try to realise the ideal rather than idealise the real. The people begin to grasp at power, while the Sovereign repels such encroachments with the result that ~~ugly friction begins~~ unpleasant friction follows. If the Sovereign in whom the Special Powers are lodged is weak, these powers become ineffective. If he is strong, there will be deadlocks and crises. We must therefore so define the goal as to avoid such conflicts.

What we need most, after all, is that the general will should manifest itself in all the governmental activities of a country. If that is admitted, the form of government is not of much importance. It is perhaps on account of this that Mahatmaji in one of his statements said that the Indian States people should concentrate on the essence and substance of responsibility and not on the form of 'Responsible -- Government'. The general will of a country can manifest itself in other forms of government also. I feel that any declaration of the goal should merely enunciate an ideal based on a principle and not go into details by which such a goal is to be attained. The present formula restricts ~~the~~ political growth along the lines of the Parliamentary form of government to the exclusion of every other form, thus imposing a limitation on a free and evolutionary growth of the constitution.

I believe that no one has a right to bind posterity to a specific and definite pattern of government. It is mainly for this reason that I have left in my formula the ~~term~~ form of 'Responsible Government' undefined. For these reasons I consider my formula preferable to that of the majority. The chief merit of my formula is that, while it leaves the future development of the constitution to the unfettered play of natural forces and tendencies, ~~besides being simple and clear~~ it avoids all sources of conflicts and complications. Besides it is simple and clear.

---oOo---

B S Sullaswamy

COMMITTEE ON CONSTITUTIONAL REFORM IN MYSORE.

Muslim Representation

by

Messrs. Mohommed Abbas Khan,

J. Mahomed Imam and

Mahomed Hanief.

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***
*

Original

MUSLIM REPRESENTATION

(1) THE REPRESENTATIVE ASSEMBLY AND THE LEGISLATIVE COUNCIL.

The Committee has allotted 26 out of 300 seats in the Representative Assembly and 4 out of 68 seats in the Legislative Council to the Muslims of the State. A study of the following table will show how really inadequate is the representation so reserved for Muslims under the new constitution.

Name of the Province.	Percentage of Muslim Population.	Muslim percentage total No. of seats.	Muslim percentage general seats.
1. Madras	7 %	13½ %	20 %
2. C. P.	4 2/5 %	12½ %	17 %
3. Orissa	1½ %	6 2/3 %	9 %
4. Mysore (R.A.)	6½ %	8 2/3 %	12 ⅓ %
" (L.C.)	"	7 ¾ %	12 ½ %

In Madras the Muslims are given a weightage twice as much as their population. In C.P. they are given three times as much and in Orissa four times as much as their population. Whereas in Mysore our weightage is only 1 ½ times of our population. From these facts and figures it is obvious that the Muslims have not been given the weightage that they deserve. We would therefore plead that the Muslims of Mysore should at least be given the same percentage of seats as are given to their brethren in the Province of Madras both in the Representative Assembly and the Legislative Council.

(2) Federal Assembly and Council

The Committee did not think it fit to reserve seats

for the Muslims in these bodies. In British India, - Statutory provision has how-ever been made for the - Muslim representation in the Federal Assembly and - Council from the provinces. Muslims from Madras have been given ~~given~~ 4 out of 20 seats in the Federal - - Council and 8 out of 37 seats in the Federal Assembly. Why should not the same consideration be shown to us in Mysore? We are not dis-similar to them in any - - respect. We should therefore urge that atleast one - seat in the Federal Council and two seats in the - - Federal Assembly be reserved for the Muslims.

(3) Executive Council.

The Committee is reluctant to make provision in the Constitution for Muslim representation in the Executive Council. Some of our collegues suggest that a convention to reserve a seat for the Muslims in the Executive might as well be established. They say that when the Dewan - happens to be a Muslim, we should not ask for another - representative in the Executive. We do not agree with - this view. We would insist upon provision being made - in the Constitution for Muslim representation in the - Executive irrespective of the fact whether the Dewan is or is not a Muslim.

(4) Bills affecting Religion.

Islam does not admit of secular interference in - religious matters. Even a Sovereign cannot interfere - with religion. We are therefore strongly of opinion - that no Bill affecting Muslim Religion and religious - usages and practices should be introduced in the - - Legislative Council with or without the sanction of the Sovereign or the Dewan at all.

Mohammed abbas Khan

Bangalore.
24-8-1939.

COMMITTEE ON CONSTITUTIONAL REFORM IN MYSORE.

Minute of Dissent by

Mr.D.H.Chandrasekharaiya.

MINUTE OF DISSENT.

By

Mr. D. H. Chandrasekharaiya.

Importance of democracy.

1. Parliamentary and representative democracy has come to stay in our country, and no stretch of imagination can ever make us believe in the theory of "good government" with all its merits and achievements. In fact the Address of His Highness the Maharaja of Mysore to the joint session of the Representative Assembly and the Legislative Council in 1924, has reaffirmed the principle of democracy in clear and unmistakable terms. The essential idea as summed up in that Address is as follows:-

> "All constitutional progress relates to the enlightenment of the people, and the quickening and utilising of their energies in the business of the State."

2. I entered the public life of Mysore nearly 15 years back in the earnest hope of contributing my humble bit towards the advancement of the people's cause. In all that I have said or done so far, I have sincerely endeavoured to follow the policy and principles so graciously given expression to by our beloved Ruler in the Address referred to above. I may well claim to have had adequate experience of the working and results of the reformed constitution of 1923 ever since it began. It is true that our present constitution as well as its achievements have evoked much praise and admiration from several quarters. Even so, it suffers, in my humble opinion, from the following defects:-

Firstly, there is a distinct official class removed from the common people. The officials from top to bottom, with security of tenure and prestige, are likely to form into a class by themselves, separate from the mass of the people. They would, therefore, have limited opportunities of understanding the real feelings and the actual requirements of common men.

Secondly, there is a want of responsibility in fulfilling the obligations due to the people. Though the officials know the wants and grievances of the people they are not bound to redress them. As a result, the people's voice will often be a cry in the wilderness.

Lastly, there is lack of forward and expeditious attention to work. Even when the officials have known the wishes of the people and are desirous of fulfilling them, they cannot be expected to be bold and businesslike in their actions. Consequently the relief given is often-times neither timely nor adequate.

In view of the above fundamental defects in the existing constitution, there is every likelihood of differences of opinion being created between the official class on the one hand and the people and their representatives on the other. We may be sure that when such differences increase in number and happen more often, they will lead ultimately to strong conflicts and rivalries between the two sections. Apart from this defect inherent in the present constitution, there are several other matters to be taken into account. For instance, the economic level of the average man is still very low. The sources of livelihood for many men are very precarious. Land revenue and tenancy problems have yet to be equitably solved. Rural reconstruction, both intensively and extensive, has not made much progress. The education of the masses has almost come to a standstill. The local self-government scheme has yet to be given a fair and liberal trial. The representation given to several communities in the higher services of the State has created discontent and heart-burning in the country. These, among several others, are questions which have not been satisfactorily solved till now and for which the Government cannot disown their responsibility under the present circumstances. Hence arises the necessity for considering the important problem of avoiding differences of opinion likely to occur between the officials and non-officials as far as possible,

and also of throwing the responsibility for solving the several problems of the State on the people's representatives.

Need for reforms.

3. I feel that the Government have felt this necessity and have accordingly appointed the present Committee on Constitutional Reform in the hope that a progressive constitution best suited to the conditions in Mysore will be planned and recommended. Having been invited by the Government to serve on the Committee, in my individual capacity, I consented to do so, with a view to advance the people's cause in the best manner possible. I was then only a four-anna member of the Indian National Congress. Thereafter, I tried to interest the Mysore Congress, which had just then been provisionally formed, in the important work of framing a constitution for Mysore. But, on account of certain undercurrents at work, that body side-tracked itself for a time over the 'flag issue', till it agreed later on to co-operate with the Committee, as a result of the good understanding arrived at between it and the Government. As that party professed to stand for progressive ideals in the making of the State, I naturally thought of associating myself with its members on the Reforms Committee and working for the common cause. I was however disillusioned, when, for reasons and circumstances which were of a flimsy and incredible nature, they began to non-co-operate with the work of the Reforms Committee at an important stage of its deliberations. My honest attempts to persuade them back to the Committee proved futile. Hence, having conscientiously felt that the policy and programme of the Mysore Congress were detrimental to the best interests of the State, I had to dissociate myself from the other Congress members and attend the meetings of the Committee from the 17th March, 1939, onwards till the close. My absence from the Committee for a period of two months, when conclusions were under formulation, proved a handicap to me, but nevertheless I may claim to have given my impartial and honest views regarding some important issues.

Declaration of the goal of responsible government.

4. To start with, it is essential to determine the goal of constitutional reform in Mysore, so that the details may be suitably adjusted for the attainment of ~~of~~ that goal. This important question was almost on the point of decision at the time when I re-entered the Committee. It is a matter of supreme satisfaction to me that the final decision was to declare the goal in terms of responsible government under the aegis of His Highness the Maharaja. Having this goal in view, it would be easy to devise the appropriate parts of the constitutional machinery for Mysore.

The Legislature. (a) Its franchise.

5. The constitution of a State comprises three important and inter-dependent parts, viz., (1) the Legislature, (2) the Executive and (3) the Judiciary. Referring first, to the Legislature, it may be said that it forms the foundation of all democracy. Hence it is very necessary that it should be broad-based on a liberal system of franchise. The Committee have no doubt reduced the property qualifications for both voting and membership for the Representative Assembly to Rs.10; but I do not see any reason why in the case of the Legislative Council the property qualifications should be kept at the old level and not reduced to a reasonable extent. When the idea of adult franchise is rapidly gaining ground, it would not be inappropriate to reduce the qualification for voting as well as for membership for the Legislative Council from Rs.25 to Rs.15.

(b) Character.

The real character of the Mysore Legislature, whether it is unicameral or bicameral, is involved in some controversy. We cannot call it unicameral, as there are two Houses exercising important functions and powers, nor can we style it as bicameral, as the two Houses have no equal or co-ordinate authority. It looks as though the one is in a way complementary to the other, and I think that in view of the direct contact between the Government

and a large number of representatives of the people available in the one, and the practical business considerations attaching to the other, the two Houses might continue to exist, as recommended by the majority of the Committee.

(c)Composition.

As regards the composition of the two Houses, I am of opinion that adequate provision is made in the proposals of the Committee for the representation of minorities and special interests. So far as minorities are concerned, the nature of the electorate applicable to them has been a much-debated, and hotly-fought-for question. It is rather unfortunate that the minorities in Mysore have been trying to follow in the footsteps of their brethren in British India much to the detriment of national unity and solidarity. I hope that, by the time of the expiry of the first period of four years of the proposed constitution, they will have realised the futility of separatist tendencies and that a system of joint electorate will automatically be adopted for the succeeding periods.

The Representative Assembly would be composed of purely non-official elements as in the past. The Legislative Council should have similarly contained only non-officials or at least an effective proportion of non-officials elected from territorial constituencies. But from a comparison of the existing composition of the Legislative Council with the proposed one, I feel that no great improvement is noticeable, as may be seen from the analysis given below:-

	Existing composition.	Proposed composition.
I. Elected.		
(a) General constituencies.	18	24
(b) Minorities.	4	10
(c) Special Interests.	6	10
II. Nominated		
(a) Officials.	20	16
(b) Non-officials.	2	8
Total	50	68

It is evident from the above that as against a small increase of 6 members in the general constituencies a very large addition of members from 12 to 28 is made to the other groups which are generally of a conservative nature due to various considerations peculiar to each group. If at all we desire to make a real advance in the usefulness of the Legislative Council, it is but right to give at least 4 seats to each one of the districts, so that the general constituencies including the two cities may have 38 seats. This can be done by reducing the nominated element to 2 members as now ~~and~~ the official element to 10, and ~~thus~~ increasing the total proposed strength by 2 more.

(d) Powers. The powers of the Representative Assembly have been substantially increased, but those of the Legislative Council remain the same as before. Taking all things into consideration, it is necessary to empower the Legislative Council at least to discuss all matters coming under excluded subjects and heads of expenditure, except those relating to the Ruling Family of Mysore and the Palace including the staff and household of His Highness the Maharaja. The Person and Throne of the Ruler should be held sacred and above all criticism. Hence the need for some exclusions in this behalf. The voice of the people in respect of other matters would greatly strengthen the hands of the Ruler to secure internal adjustments and external freedom for the State.

The Executive. (a) Composition. 6. The second aspect of the constitution refers to the formation of a proper Executive "to aid and advise" His Highness in the administration. It is very necessary for the smooth working of any constitution to reduce, if not altogether avoid, the differences likely to occur between the legislature and the executive and this is best secured under what is called "Responsible Government." Having adopted the goal of responsible government for our State, it is inevitable that the Executive should be so

formed as to be responsible and therefore acceptable to the Legislature. The first beginnings at least of "Responsible Government" should be laid in our reformed constitution. I would therefore propose for the present an Executive consisting of not less than three non-official Ministers "chosen and summoned" by the Ruler from amongst the elected members of the Legislature who will work in conjunction with other official Ministers now running the Government. I expect that by the end of the first period of four years after the introduction of the reforms the places of the official Ministers will become vacant and be filled up by the non-official Ministers. As the Dewan continues to be the Head and an important functionary of the Government, he may be called the "Prime Minister" in keeping with the idea of the 'joint and collective responsibility of the Ministry."

Though I stand for a composite Ministry,as described above, for the present, I have my own doubts as to its happy and smooth sailing. The defects and drawbacks of dyarchy are likely to be repeated in a different form even in this combination. I can well imagine that the feeling of identity of interests and purposes between the Rulers and the ruled in Mysore may possibly overcome the shortcomings of a composite Ministry to some extent and hold it in bonds of harmony and understanding. But in any case it would be safe and sound to end this form of Executive as early as possible and replace it by a purely popular one.

(b) Selection of Ministers.

The selection of Ministers at the present moment is of course left to His Highness. In a full-fledged responsible government, His Highness will usually select the leader of the majority party in the Legislature as his Prime Ministerand, with his consultation choose the other Ministers. But during the transitional stage, when a sound and organised party-system has yet to develop, the choice will be rather difficult. We may, however, be sure that His Highness will appoint such non-official Ministers as are likely to command a fair support of the Legislature.

(c) Their Control.

An important question connected with the Executive is the nature of the control to be exercised by the Legislature over it.

It is necessary that the Ministers--whether official or non-official--should be amenable in some way to the Legislature for their policies and actions; otherwise there is no meaning in having a declaration of responsible government. With this end in view, I propose that provision should be made in the constitution for moving a vote of no-confidence against the Ministers in the Legislative Council, under certain restrictions, as follows:-

(1) A motion of the kind can be moved only once every year at the time of the presentation of the budget.

(2) It should secure the approval of a certain minimum number of members of the Legislative Council--say one-third of the total strength of the House--before it is allowed to be discussed.

(3) It should be deemed to have been passed only when two-thirds of the total number of members of the House support it.

(4) His Highness should be free to take such action on the motion as he thinks desirable under the circumstances of each case, and His Highness's decision shall be final.

I believe that this provision will prove an acid test to ascertain the usefulness of a Minister to the people. It may be compared to the sword of Democles hanging, as it were, over the heads of the Ministers, constantly reminding them of the path of duty and rectitude. It is rather unfortunate that my proposition on the subject was not accepted by a majority of ten as against seven*

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*For.--Messrs. (1) D.H. Chandrasekharaiya, (2) T Ramachandra, (3) D.V. Gundappa, (4) R. Chennigaramiah, (5) Bhupalam Chandrasekhara Setty, (6) Rev. W.E. Tomlinson, (7) Dr.F.X. De Souza.

Against.-- Messrs. (1) Mahomed Abbas Khan (2) C. Narasimhaiya, (3) M.C. Rangiengar (4) P. Mahadevayya, (5) S. Hiriannaiya (6) Mahomed Imam, (7) S.C. Malliah (8) C. Hayavadana Rao, (9) Mahomed Hanief, and (10) Sri K.D. Rukminiamma.

However, I have no hesitation in saying that the value of the reforms will be enhanced a hundred-fold if the view of the minority is accepted and brought into effect.

I am of opinion that the Executive formed and controlled as stated above is the one which satisfies the practical necessities of the hour and the long-cherished aspirations of the people at large.

The Judiciary. 7. Lastly comes the Judiciary which should be independent and free to interpret the laws of the State and to protect the innocent and punish the wrong-doers. It is my firm conviction that the entire judicial system, both civil and criminal, can be made independent of the Executive under a suitable scheme. The Committee have dealt with this question only so far as the High Court is concerned. I hope that our reformed constitution will incorporate the provisions suggested by the Committee, so as to secure the independence of the Judges of the High Court beyond all doubt. In England the judges of the Supreme Court are appointed by the Ministers in the name of the Crown and the independence of the judges is secured by the fact that their dismissal could only be brought about by Parliament presenting a joint address to the Crown. We may keep this arrangement in view in further improving the position of our High Court.

The subject of the independence of the subordinate judiciary is not at all examined by the Committee. Since this is a subject in which I have taken some interest for a long time, I feel it incumbent upon me to press my views now as constitutional changes are about to be carried out. The subordinate judiciary is composed of two sides, civil and criminal and so far as civil side is concerned, the present position held by the civil judges may be allowed to continue. But the criminal side requires further application of the principle of judicial separation which is already operating in Mysore. At present the District Magistrate is the highest authority in the district, and through the District Superintendent of Police, is also the highest Police authority. Virtually he is the prosecutor, because no prosecution can be launched without his knowledge. He also exercises

control over the Magistrates in his district in various ways. He is thus in the position of a prosecutor and a judge. It is worth while avoiding this dual position, so as to give no room for any suspicion in the administration of criminal justice. With a view to secure this objective, my suggestion is that the Special Magistrates in the district should not be placed under the subordination of the District Magistrate. Further the powers of the District Magistrate in respect of the administration of the criminal justice, which are now confined mainly to the hearing of criminal appeals from the courts of the Second and Third Class Magistrates, should be delegated to the senior-most Special Magistrate in the district who may be designated 'Special District Magistrate.' The result will be that prosecutions for breaches of the District Magistrate's orders will be tried in such Courts as will not be under his influence, and their work will be reported to the High Court and the Government by the Sessions Judge of the Division concerned who is the right authority to do so.

As regards the maintenance of law and order, the District Magistrate would be authorised to get the assistance of the Magistrates in case of emergency, such as riots or other disturbances. This scheme will not cause any extra expenditure to the Government, nor will it give room for any administrative objections. It would on the other hand make the administration of criminal justice pure and perfect.

Other Matters.

8. There are several other matters--both arguments and conclusions--in which I have been unable to agree with the views of the majority of the Committee. For instance, the demand for the just and adequate representation of several communities in the services of the State is made an argument against the grant of full responsible government. It is even stated that full responsible government would mean "the rule of the majority communities." This is far from truth and can never be accepted. The demand for equitable representation in the services is dubbed as "communalism" by interested persons, whereas it is in reality an expression of the natural desire for a share in power monopolised by a few persons or class of persons. It is indeed a phase of national development based on the principle

of "equal opportunities for all." I am glad that my resolution on the constitution of a Public Services Commission in Mysore has been accepted by the Committee, and I hope that it will work in such a way as to give satisfaction to one and all Another instance in which I am opposed to the view of the Committee is to be found in the estimate of the working of the local self-government scheme. I feel that the scheme has not been given a fair trial, and that with less official control and better financial backing the local bodies would have been able to achieve a larger measure of success than now.

Conclusion.

9. In conclusion, we have to take note of the tremendous changes which have come about in the constitutions of our neighbouring Provinces and States and make the necessary and timely adjustments in our own constitution reconciling the forces of progress and order. My scheme based on "compromise and moderation" advocates "the policy of the middle path," that "will consolidate our strength and lead us on from strength to strength". His Highness's abiding sympathy and good-will towards the aspirations of the people are our greatest asset. I have always entertained the view that His Highness's powers should be real and substantial and that he should continue to be the greatest and the highest sovereign authority under the constitution. His Highness's powers of veto and ratification should be left intact, and he should be free to "act in his discretion" or "to exercise his individual judgment" in certain specified matters. Having enjoyed a most beneficial rule during the past thirty-seven years, we all owe him a deep debt of gratitude. As we know, His Highness has no higher object in life than to live for, and to strive for, the welfare and contentment of his subjects. So, while feeling grateful and loyal to our beloved Sovereign, let us in the words of His inspiring Message of 1924, humbly pray that "our constitution and administrative machinery be adapted to new times, needs and aspirations."

D. H. Chandrasekharaiya.

Bangalore,
24th August 1939

COMMITTEE ON CONSTITUTIONAL REFORM IN MYSORE.

Minute of Dissent

by

Mr. R. Chennigaramiah.

...

OFFICE OF THE COMMITTEE ON CONSTITUTIONAL REFORM In Mysore, Bangalore No. 251 11/9/39

Dissenting Note by R.Channigaramaiah.

My colleagues state in para 154 of the majority report that there is no need to reserve seats on population basis for Harijans on account of their economic backwardness and want of educated men.

With the advance of time and as the result of easy means for getting news about the world affairs and particularly of the trend of events in India, the Harijans, in-spite-of their educational backwardness, have not be slow to be influenced by the movements in India. They are as fit as any othe community in India to take an efficiant part in any debate on questions political or otherwise. We in Mysore are not by any means an insignificant minority. We number about 12½ lakhs i.e., 1/5 of the total population. Thirty seats in thr Representative Assembly and four seats in the Legislativ Council cannot by any means be regarded as satisfactory. Any argument advanced to say that the economic backwardness and want of education will result in incompetent persons being returned to the Legislature is a spaciou argument which cannot stand scrutiny. We are insisting upon a system of reservation of seats in Mysore with a view to return to the Legislature the best among us, who are inspired by the one desire that our community takes it proper place among the other communities and burden of administration with other comminities. All that we want is opportunity. Let us not therefore be considered backward in any sense of the term when it comes to the question o sharing the responsibilities with the other communities in the administration.

When we come to examine the question in relation to the figure in the adjoining Provinces we see the percentage of literacy and the economi condition of the Harijans will by no means be higher than the standards obtaining in Mysore State, yet they ~~may~~ have secured seats on population bas It is obvious from this that the allotment of seats in Mysore State is not based upon principle or reason and it is not just. Though the community is grateful to the considerations that the Committee has shown to the community but still it cannot keep quiet when momentous decisions are taken. I must respectfully and yet emphatically urge and draw the attention of the Government to the inadequate representation provided for the depressed classes . The community should have atleast 60 seats in the Representative Assembly and 10 seats in the Legislative Council, and two seats should also be reserved in the Federal Legislature on statutory basis in the act.

R. Channigaramaiah
31/8/39

(Dissenting Note by R. Chennigaramiah.)

My colleagues state in para 210 of the majority report that there is no need to reserve a seat in the Cabinet for Harijans.

It was vehemently urged and stressed in the Committee that a seat should be provided in the new Cabinet for a member of the Harijan community. It may be brought home that the Harijans with the march of time and Political ~~political~~ advancement are seizing ~~easily~~ every opportunity to rise to the occasion to take part in politics, in public activities and in sharing the heavy responsibilities even in the administration and legislature of the country. A glance at ~~to~~ the political events and administrations in the adjoining Provinces where the Provincial Autonomy is prevailing, cannot but convince any one how the Harijans are taking prominent ~~prominent~~ part in questions political or otherwise and even rise to the occasion of holding the high and heavy responsible posts of ministers. It may be safely said that these ministers are carrying on the administration as faithfully and efficiently as any other ~~any~~ ministers of the country. All that is wanted is opportunity. When it is so of other Provinces it can be said of Mysore also where the condition, Standard ~~standard~~ of education and culture are the same as in any other adjoining Province. We are second to none in our aspirations and desires to serve the country and Hon Highness the Maharaja and to share the political responsibilities.

We form about 12½ lakhs i.e. 1/5 of the total population of the state. It is very desirable that a seat in the Cabinet should be reserved to a member of the Harijan community, so as to have an equal and equitable share in the administration and the legislature of the country. I therefore most earnestly and repectfully request the Government to kindly comply with my request.

(R. Chennigaramaiah)
31/8/39

(Dissenting Note by R.Chennigaramaiah.)

Fundamental Rights Clause 9, Para 233.

I am of opinion that the Rights of access to and use of Public Roads,wells and all other places of public resort secured to all citizens should not be hampered by any limitations placed upon its excercise. The exercise of these rights should not be interfered with by any individual or community. It is not the person that exercises that right but the person who interferes with that right,that ought to be Controlled ~~controled~~. So far Harijans are considered they labour under many a restrictions, Regarding enjoying the ~~ri~~ elementary rights of citizenship. Therefore to qualify the clause " Subject to maintainance of public peace and order " is to take away the right guaranteed on the fundamental right. I therefore urge the deletion of the words subject to maintainance of public peace and orderof Section of 7 of Chapter 6.

R. Chennigaramaiah.

Dated 31/8/1983

COMMITTEE ON CONSTITUTIONAL REFORM IN MYSORE.

...

MINUTE OF DISSENT

by

Sri. K. D. Rukminiamma.

OFFICE OF THE COMMITTEE ON CONSTITUTIONAL REFORM In Mysore, Bangalore No. 22 Dated 31st Aug 1939.

original

Minute of Dissent
By
Srimathi. K. D. Rukminiamma.

31.8.39

I am submitting this note in order to emphasize my point of view in regard to the reservation of seats for women in the Representative Assembly and the Electorate for women and the Fundamental Rights.

I am strongly of opinion that there need be no reservation of ~~seat~~ seats for women on a communal basis. In this I have the support of the All India Women's Conference. Political Thinkers agree that most of our political ills of the present-day are due chiefly to the existence of communal feeling among us. If there is one organisation that has risen in recent years above this communal spirit, it is the All India Women's Conference. Inspite of my opposition to the proposal the majority decided to earmark 2 out of the 11 seats reserved for women in the Representative Assembly to Muslim and Harijan women. (Page 93 paras 170 and 171.) This, if carried into effect will leave only 9 general seats for women and they will naturally be given to the nine districts at the rate of one each in which case there will be no seats left for women to represent the capital cities of Mysore and Bangalore which are educationally the most advanced in the state. I, therefore beg to suggest that the total number of seats for women be raised to 15 and they be distributed as shown under:-

1. Nine Districts--------- 9.
2. City of Mysore.---------~~1~~-1
3. City of Bangalore.-------1
4. Muslim women.----------1
5. Harijan women----------1
6. Anglo-Indian.----------1
7. The Mysore State Women's Conference.-----1

Total--------~~1~~5.

In the event of Government not recognising the communal basis for allotment of seats, Nos. 4,5, and 6. will drop out and there need be only 12 seats for women reserved in the Representative Assembly. Taking onto consideration the vast majority of women population in the state, the reservation of 12 or 15 seats for women in the Assembly is a very moderate demand and can be readily conceded. It works out at 4 to 5 per cent of the total strength of the Assembly and is well within the limits of recommendation of the Indian Franchise Committee.

The distribution of these seats as suggested by me over-leaf will, I believe, secure proper representation for women in urban and rural areas as well.

Regarding the Electorate for women, I beg to urge that women candidates be elected through women's associations specially formed for the purpose in each district. Personally I am not against Joint-electorates. But seeing that women will experience great difficulty and hardship in canvassing for votes in large territorial constituencies, I strongly advocate indirect election for them at least for some years and until education spreads more widely in the country. I have no objection for women candidates being elected in the cities of Mysore and Bangalore through joint-electorates. In the rural areas However where women are still very backward in education , properly qualified representatives may not be readily forth-coming and hence I consider that indirect election through recognised women's associations is the best and safest for the present.

Lastly, though not the least in importance, I beg to submit that there be no sex-barriers in the way of women qualified to enter public service. There is no gainsaying the fact that if women have advanced so far in Mysore, it is due entirely to the special encouragement they have received at the hands of His Highness's Government and the Mysore Royal Family. It is only recently within the last twelve years ~~that~~ that women have found entry into the Representative Assembly. They have no place as yet in the Legislative Council. The only two avenues of employment for women are the Educational and Medical Departments. Here there need be no inequality of treatment as between men and women. Promotions and remunerations for service be kindly made the same for both. On page 125 para 233 of the C.R.C.Report the Fundamental Rights of Citizenship are enumerated of which Clause No. xi. reads thus:- ' Men and women shall have equal rights as citizens.' I beg to suggest that this point of equality of rights requires to be made clearer in Clause No.vii. also by the inclusion of the term 'sex'. Thus amended it will read as follows:- No. vii. ' No person by reason of his or her religion,caste or creed or sex be prejudiced in any way in regard to public employment, office of power or honour and the exercise of

the exercise of any trade or calling'.

I think this amendment is very necessary in the interests of women for, a mere declaration of equality of rights of citizenship as between men and women will not necessarily entitle women for employment ,office or power. The doubt is removed by Clause No.vii. being amended as shown above. In this connection I cannot do better than quote Dr.N.B. Khare. He says in his speech at the 12th session of the All India Women's Conference at Nagpur (page 32 of the A.I.W.C Report) ' Men and women do not belong to different species but they are from one and the same species of genus and homo. Therefore all the problems which affect women affect men also and they demand common solution from the common effort of both men and women'. Again in the words of Mrs, Sarojini Naidu in the same session of the A.I.W.C. at Nagpur in 1937,' We women have no inferiority complex and do not recuire the labels of isolation, of segregation, of concession, of favour and of privilege. We only demand the right to serve, and none shall challenge that right of service. This is the Motto of the All India Women's Conference.'

With equal facilities for education and opportunities for service the day will come when men and women will be on a perfect footing of equality barring the limitations imposed by nature on women. Then no special treatment or reservation will be found necessary.

K S Rukmiamma

29. 8. 39

COMMITTEE ON CONSTITUTIONAL REFORM IN MYSORE.

Separate Note

by

Mr. T. Ramachandra.

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Received to day 31/8 (Mr. T. Ramachandra's = 1 = dissenting note) 23/C.R.C. 31/8/1939. 31.8.39

OFFICE OF THE COMMITTEE ON CONSTITUTIONAL REFORM In Mysore, Bangalore No. ____ Dated ____

I desire to submit the following additional notes to the Report.

~~CHAPTER III. Fundamental Considerations.~~

It is not correct to say that political agitation in Mysore is of recent growth. There have been various occasions of political discontent during the past two decades, both on the floor of the Assembly and the Council as also on public platforms and the Press. Whenever Civil rights and liberties were threatened, the people carried on agitation not only for securing them but also for the establishment of a system of Executive Government responsible to the people. The agitation against the Mysore Newspapers Act is one of such character.

The demand for responsible Government is not an " Induced" phonomenon but the natural outcome of the growth of representative institutions in the State, especially when the Executive was not responding to the increasing and insistent demands of the Legislature and the peoples' representatives failed to secure adequate or reasonable amount of satisfaction . This demand ~~for Responsible Government~~ is essentially due to the fact that several resolutions in the Assembly ~~or~~ and the Council dealing with the vital needs of the people as for example, Land Revenue system, Educational advancement, Excise Policy, ~~Education~~, Salary Cuts, Non-official Executive Councillor, etc. were rarely given effect to. There was a feeling of nothing tangible achieved , especially when no single cut-motion could be carried, because there was no non-official majority in the Council. In the matter of the Standing Committees too, there was the feeling that there was not ~~enough~~ enough consultation nor were they able to influence the Government to any appreciable ~~great~~ extent. Specific resolutions on Responsible Government have been moved and discussed in the Assembly and the Council. The recent agitation on an intensive scale though " Induced" by the political happenings in British India, has been also indigenous.

No doubt in British India, the Congress and its leaders have during the past half a century, roused the National and patriotic conscience of the people by the fearless advocacy

for independence from foreign domination and their criticism of the un-British Rule in India, the economic exploitation of the masses, the lack of opportunities for the people of the country to have the sole and effective voice in the administration, etc.

It is not correct to say as in Para 79 of the Report that because the interest of the Ruler and the ruled are regarded as identical in an Indian State, the ruled should not aspire for Responsible Government. The evolution of constitutional Monarchy and democratic Institutions in countries like England, where also the interest of the Ruler and the ruled are quite identical, is a case in point. In a Monarchical State, cleavage of interests is bound to occur due to misrule on the part of the Ruler or the development of the political consciousness of the people resulting in a demand for a more and more share in the Government. Although in the early days of our Legislature, the demand was for wider opportunities to the backward Communities in the public services in the State, still in the course of a few years, when the representatives of such Communities came to occupy positions of leadership among the masses, they shifted their demands to the redress of their grievances and needs of the people whom they represented. And their constant failures and disappointment to get adequate response to their various representations ~~and vital matters like reduction of Agricultural taxation, salaries of Government servants,~~ led to their demand for a truly Responsible system of Government.

The real causes for the merging of the People's Federation or the Non-Brahmin party in Mysore with the Congress appears to me to be 1. The natural evolution of the People's party from a communal organisation into a political one, 2. as a means of solving the Communal problem itself, 3. prospects of the All India Federation wherein as part of the Congress, there are wider opportunities and 4. confidence of securing majority following in the State and thus occupying responsible position

positions in Government, in order to render effective service to the masses. Subsequent and recent events go to show that the Congress was able to create intense public agitation and even come to be recognised by Government as a political organisation.

In education, Mysore is on a par with and even ahead of the British Indian Provinces which enjoy Provincial Autonomy. The educational attainment of the people cannot alone furnish a sure test of fitness for responsible Government. As has been observed by the Indian Central Committee on Reforms, even in England, Cape Colony, and Canada, parliamentary Institutions were formed long before any appreciable proportions of the population had become literates. Illiteracy is not necessarily accompanied by the lack of good sense. On the other hand the illiterate masses of India have an inherited culture which would enable them to excercise their voting power intelligently Besides the state does not lack men of education and culture capable of serving as legislators and representatives of the people as well as officers.

The view against the Responsible Government is not held by any large and influential section of the people, because all political parties in the State have been unanimous in this demand. It is not unlikely to find extreme Communalist leaders or those holding vested interests opposing such a demand, all from a fear that their special preserves and favoured positions will be lost. Their very opposition to Responsible Government is an argument in favour of it, in the interests of the masses whose condition needs to be improved and who should be freed from the hold of the privileged classes and of those who raise the Communal bogey

Paramount Power and Treaty Obligations

In para 98 of the Report, it is observed that the transgressing of the Treaty obligations would lead to grave complications and the inference is drawn that the grant of Responsible Government would be against the terms of the

J.R.

treaty. But as has been pointed out in Para 50 of the Butler Committee Report, " If they were due not to misgovernment, but to a widespread popular demand for change, the Paramount Power would be bound to maintain the rights, privileges and dignity of the Prince, but it would also be bound to suggest such measures as would satisfy this demand without eliminating the Prince ".4 The demand made by the advocated of Responsible Government in the Indian States has always been subject to the very important proviso, namely, " under the aegis of His Highness the Maharajah", implying thereby the maintenance of the rights, privileges and dignity of the Ruler, as also the due fulfilment of all his Treaty obligations. ~~xxxx

have been madeby opponents of Responsible Government to show that it cannot be adopted consistently with the rights of the Paramount Power. The sovereign of the State must, it is said, retain final legislative and Executive authority, otherwise he must be unable to give effect to requirements of the Paramount Power. This, however, is clearly an error. All that is necessary, is for any constitution evolved for a State to include as a fundemental doctrine with full legal force, that effect to such requirements must be given by all authorities, executive, legislative and Judicial in the State. There is, however, the precedent of the Irish Constitution of 1921. Responsible Government, it may be added, will unquestionably tend to diminish or eliminate wholly the intervention by the Paramount Power, for in the past such intervention has nearly always been dictated by mis-government and by the fact that no power existed in the people to obtain redress therefor by deposing the Ruler. On the other hand, the negation of Responsible Government by the Rulers must interpose a very grave obstacle to progress towards Federation and Dominion Status. (Quoted from the Journal of Legislation and International Law for February, 1939)

Again in the course of his letter to Srimathi. B.S. Vengadamma, M.Sc, quoted in Para 104 of the Report, the first of the last sentences(which have been omitted in the quotation) runs as follows:- " I think however that you exaggerate somewhat the diffculties in the way of Responsible Government presented by the existence of the Paramountcy..... The maintenance of wider Power to the Sovereign may well be advocated at present, but the argument from Paramountcy, though specious, will not, in my opinion resist detailed consideration."

Again in a letter addressed to a Cochin journalist as published in the " Indian Express ", Madras, of the 10th March 1938, he writes;

" The question whether Responsible Government can be introduced into an Indian State in view of the rights of the Paramount Power admits of a clear answer as far as the

principle is concerned, if consideration is given to the essential character of these rights.

The rights are concerned with (1) the conduct of the State as part of the Indian body politic involving its contribution to the welfare of India, and (2) the internal Government of the State. The Paramount Power being under the obligation to secure to the dynasty the rule of the State, if it remains loyal is bound to secure that the internal Government shall be conducted on reasonably efficient and just principles.

" The introduction of Responsible Government presents the obvious mode for the carrying out of the second principle. The British rule of Responsible Government rests on the doctrine that in this mode there is best secured the welfare of the people as a whole, as opposed to that of a minority, and the Paramount Power would no doubt welcome the transfer to the people of the conduct of their internal relations.

" As regards the first principle the matter is solved in the case of any State which accedes to the Federation, for ' ipso facto ' it is thus engaged to perform its share in the general welfare of India. Naturally if Responsible Government were introduced for the internal government, the State representatives in the Federal Legislature would be selected by election and not nominated by the Ruler.

" If, on the other hand, a State was, despite acceptance of Responsible Government, unwilling to accept Federation, the responsible Ministry would have to accept the demands made by the Paramount Power upon it to co-operate in matters essential for the general welfare of India, just as the Ruler now must do. But, ofcourse, a Responsible Ministry would be in a much stronger position to represent the views of the State than is any Ruler, and it would have much greater weight with the Paramount Power, for it could rely on receiving in any sound cause, the support of many members of the British Parliament of all political complexions.

" The Paramount Power, for the reason just given, might

not be anxious to see Responsible Government introduced into any State, but even were this so, it could not resist its introduction since that would be disapproved by Parliament. No doubt, there is a possiblity that under responsible Government there might be a distinct clash of views between a State and the Paramount Power but in that case, in the ultimate issue, the ~~xxxx~~ latter must prevail. But the mere possibility of a clash is no reason for not creating Responsible Government. Were it carried through carefully planned steps, it can hardly be doubted that a new era of prosperity would be opened up both for the States and the Paramount Power".

In Para 108 of the Report it is stated that in any system of Responsible Government even under the aegis of the Ruler, the Ruler may have occasion to appeal to " the Paramount Power to deal with a popular Government of his own creation, but not responsible to him in the first instance". The very provision " under the aegies of the Ruler " conveys all necessary safeguards providing for the Ruler's rights and privilege, the Treaty obligations, the ensuring of good Government and the safeguarding of the rights of minorities and special interests. All these are implied in the words " under the aegies of ~~the~~ H.H. the Maharajah "

Even under the existing Mysore Treaty, Paramount Power can interfere in every branch of the administration. If this view is accepted, no system of popular government is possible at all. We have further seen especially in Mysore where representative Institutions have been established, how much the Ruler has very graciously parted with his powers in the day-to-day administration and also in the matter of Legislation and Finance, reserving, ofcourse, the ultimate power and authority in his hands to set right matters when they go wrong. To the extent that the Ruler has shared his sovereign authority with his ~~subjects~~ people's representatives and his Executive Council, to that extent the Paramount Power relaxes its demand on the Ruler under the Treaty obligations. Generally it can be stated that the Paramount Power will not

refuse to accord its approval to a scheme of Reforms which is mutually agreed to between the Ruler and his subjects.

No advocate of Responsible Government has ever denied the need for good Government. On the contrary a form of Government responsible to the people as also to the Ruler will in the ultimate, be the best form of Government. In Mysore, when representaitve Institution have been in existence for over a half a century and several observers have spoken in praise of our expanding constitutional progress, there can be be denying the fact that barring a few representatives of Communal organisations and vested interests, all understanding sections of the public have unanimously voiced their opinion in favour of the grant of responsible Government. And in His Highness' own words, " the measure of advance is to be based upon the advancing political consciousness"

In Mysore we are peculiarly fortunate in having had a succession of Rulers who have imbibed the very high ideals of " Dharma" meaning thereby the "Yogakshema" - the moral and material progress of the people. But to say, therefore, that the people as such should have no share nor voice, is to deny the basic principle of Hindu polity, wherein the Ruler is acclaimed the First Servant of his people and derives his power from the people's assemblies and executes his authority through the Council of Ministers - the Mantri Parishad, whose primary duty it was to satisfy the Assembly of people's representatives, pointing thereby that the Ruler shared his sovereignty with his subjects. The central Government itself was, in ancient India, raised on the bed-rock of local institutions, which were self-governing in every respect. There is no doubt about the fact that in the advancing and revolutionary political theories, the theory of the divine right of kings has very few supporters, and no less has it any validity or sway in the case of the Indian States, the Ruler himself is subject to a Paramount Power whose decisions are taken by a democratically constituted Parliament

and exercised through a political department consisting of permanent members of Civil and Military services.

In para 115 of the Report, great injustice has been done in assaying the work of Provincial autonomy in the British Indian Provinces, although it is admitted that " Our impressions are necessarily tentative, and it is not without hesitation that we venture to offer them." The Indian National Congress has set the very noble example of being an entirely non-communal organisation and in its Government, not only having the interest of all the Communities at heart, but specially solicitous to safeguard the minority communities. Examples are not wanting where issues like the singing of the Vandematram Song, the hoisting of the National flag and the prevention of agitation in a neighbouring Muslim State - all these have been done with the sole object of not hurting the susceptibilities of the Muslims. It is true that the Muslim League nominees have not been taken on the Congress Cabinet, because in the very nature of things, the Cabinet has to be homogenous and not merely composite. But is does not mean that Congress Cabinets do not include Congress Party Muslims, who unfortunately have lost caste with their Muslim League brethren. Again several public statements have been issued from time to time, showing what has been done for the advancement of the education and economic betterment of the Muslims, inspite of the cry of " Islam in Danger " raised by the Muslim League leaders. All those go to show that the Congress Party has been dealing quite fairly with the Muslims, and quite generously with the Harijans in keeping the sacred pledge given to the Harijans on the eve of the Poona Pact that all Social and Religious disabilities will be removed and Harijans will be given an equal status with the Caste-Hindu community.

In all democracies the rights of minorities are protected by the declaration of fundamental rights and an independent judicial tribunal safeguarding such rights from any executive mis-rule or by vesting special powers in the Governor.

With regard to the question of the Congress Party ignoring the opposition party, facts ~~are~~ quite disapprove the same. In all select Committees and Special Committees, representative members of the Opposition are always included and their views are given best consideration. Under no democratic system can a minority ~~can~~ aspire to dictate to the Majority, while still remaining a minority. Minority has its own function of offering criticism in the hope ~~of~~ of converting the majority to its view and of ultimately securing the majority to itself, if the general electorate so ~~approves~~ inclines. Therefore the Congress Governments in British India are really ~~are~~ not ignoring the opposition; on the contrary are consulting and valuing their opinion. And in the ~~case~~ settlement of such ~~disputes~~ differences as between labour and capital, ~~or~~ the tenant and the Zamindar, or the Debtor and the Creditor, they have been trying to secure an equitable relationship on the basis of mutual understanding, though what has been secured for the under privileged may seem to be too much, because, so much has been taken away from him by the vested interests. It is not quite correct to say tha the majority party rules, because of its numbers, but essentially because the Majority represents for the time being the largest good to the largest number in ~~the~~ the country; and any good to the largest number is bound to affect ~~the~~ adversely small vested interests. Again the majority party rules because of the confidence it has derived from the Major section of the country; and the provision in ~~the~~ the constitutions of the democracies for periodical dissolutions of Parliaments, By-elections, voting of Budget estimates — all these and such other devices for the ascertaining of public opinion from time to time and the automatic adjustment of the Legislature to the popular will and of the Executive to the Legislature. It is only under such a system that well-defined parties are and can be formed " to clarify political issues, to lay before the electorate carefully considered and practicable programmes, to select capable and well qualified leaders, to instruct and organise public opinion".

In the declaration of the goal of Responsible Government, we have found the largest measure of support and agreement and is in the ~~xxxxxx~~ crowning point of the whole Report and reflects not merely the almost unanimous opinion of the Committee but the unanimous ~~xxxxx~~ demand of the thinking section in the State and the hopes raised in the popular mind. The value of ~~the utility of~~ the declaration will be very much enhanced by Government, fixing a time period and procedure, for the early evolution towards reaching the goal. Such provision will act as an incentive to the people and their representatives and secure a sense of realism and responsibility. It was also the feature of the Montague-Chelmsford Report.

With regard to the recommendations of the Committee, I desire to offer the following ~~xxxxxxxx~~ opinions:-

The enhanced powers, particularly in the matter of Legislation and Finance, which have been proposed to be given to the Assembly, makes the Assembly a component part of the Legislature ~~xxx~~ and not merely an Assembly for making representations. Therefore in any future enlargement of the powers of the Legislature, the Representative Assembly should take the place of the Lower, but more important, House in a scheme of ~~the~~ bicameral or unicameral legislature.

With regard to the Power of moving resolutions, suggesting changes in the constitution, my opinion is that in the ~~xxxxx~~ event of the Dewan's sanction not ~~xxxx~~ being given for such resolutions, the discontented section of the public will be driven from the constitutional methods of ~~xxxxx~~ ventilating their views and they will have recourse to the Press and public platform, resulting in a greater political ferment than if discussions had been permitted on the floor of the legislature.

In the case of private members' Bills, I desire to suggest that the need ~~of~~ for obtaining the previous sanction of the Dewan should be replaced by the power of dis-allowance by the Dewan on the ground of detriment to the public interest. The proposal to obtain the previous sanction of His Highness for Bills affecting ~~xx~~ the religion, curtails the rights of the Legislature and will hinder ~~xx~~ social legislation, particularly amongst Hindus, where the

old-time codified Hindu Law requires a thorough overhauling in the light of modern interpretations and the rational outlook on religion and religious customs. Above all such sanction needs not be specially secured from His Highness the Maharajah, but from the Dewan as in the case of the ordinary private Bills. Because it will not be in the best interest of the State and the Ruler himself to bring him into the vortex of political differences even before the legislature has had its say. Besides the declaration of fundamental rights safeguarding the legitimate interest of the minorities and their religious usages, have been vested in the ultimate authority of the Sovereign as part of his special prerogatives. Therefore it is enough that the Dewan's previous sanction is secured or the Dewan be entrusted with the power of disallowance of any such measure detrimental to public good.

Under taxation no new tax should be levied, nor the existing tax enhanced, not without the consultation of the Assembly, but never without its consent.

With regard to creation of communal electorates on a separate basis for Muslims and Christians, I am strongly of opinion that it should not be encouraged. The Seal Committee has opposed it and in all the local bodies in the State and even for the Assembly and the Council, our State has been fortunate in not having a separate system. It has been the pride of the Members of different communities that they are living in perfect accord and harmony with one andther under the benign rule of His Highness, inspite of some Communal fanatics very occasionally exhibiting their rioteus tendencies. So let our State set the model for British India and prove that Muslims and Christians can enjoy their normal life of citizenship without recourse to separate electorate. We shall then be the fore-runner to the British Indian Provinces in this important respect of establishing a permanent bond of fellow citizenship.

Again, by the reservation of seats with due weightage, vesting of special powers in the hands of the Ruler and the

Dewan to protect Minorities and the accord provision enacting for the introduction of subjects relating to religion to the declaration of Fundemental Rights, and all these have been proposed to be provided for as part of the Constitution and there is absolutely no need to proved separate electorates.

In Mysore State, religious minorities are very small in number and therefore Joint-electorates are more advantageous to them, in that it will place the representatives belonging to the majority communities under the necessity to secure the good-will and votes of the members of the minority Communities and thereby place themselves under an obligation to and responsibility for safeguarding the legitimate rights of the minorities. If it is feared that the minority communities representatives will be mere nominees of the major communities, some provision can be made requiring the securing of a certain percentage of communal votes in addition to the general votes, as has been provided for the Depressed classes.

With regard to the five seats assigned to Labour in the Assembly, suitable provision should be made for forming the constituencies, as for example, one for textile and Factory Labour in Bangalore; one for Railway, and other Factory Labour in Mysore, including Mandya; one for Heavy Industrial Labour in Badravathi Iron, Cement and Paper works; one for mining Labour in Kolar Gold Fields, and one for seasonal and minor factories in Davanagere. The franchise qualifidations have to be fixed up on the same basis as those prevailing in Madras province. For the two seats allotted for Labour in the Legislative Council, suitable constituencies should be formed with a little higher qualification both for electors and candidates, comprising two circles, one Bangalore and K.G.F, and the other Mysore, Badravathi, and Davanagere.

It is very necessary to provide for free quarters for Assembly members in Mysore, during the sessions.

With regard to the composition of the Legislative Council, although I agree to the need for a nominated official block, so long as

there is to be an official element in the executive, still I desire to suggest that 16 seats provided for nominated officials may be reduced to five and that these five seats be added to the general constituencies by providing one seat more to the five Districts with lesser population. Then it will be providing for a larger territorial representation. And the provision of three seats for every district will enable the return of representatives of different political views.

Selection of non-official Ministers

It must be laid as a convention that while the Rulers' discretion should not be fettered in choosing the Ministers, at the same time the leaders of the predominant parties in the Assembly and in the Council, if such parties do come into existence, shall ordinarily be chosen as Ministers, as otherwise there will be constant deadlocks and attempts at wrecking the constitution and misinterpreting the motives and actions of the Executive by members of the majority parties. There is nothing like the entrusting of responsibility in the hands of the leaders of the majority parites to create a sense of responsibility, to work the constitution t its fullest advantages and thus prove their further fitness for increased powers. Besides, formation of well-defined parties is only possible on the assured provision in the Constitution or by a convention that the majority party shall have its share and responsibility in the executive administration of the Country. And the number of non-official Ministers should be atleast three to begin with and then progressively increased to make the Cabinet wholly non-official, as envisaged in the declaration of the goal.

Address to the Throne

While I agree that provision for a vote of no-confidence may not be suitable for a constitution in which the Cabinet of Ministers are the nominees of the Ruler, subject to their enjoying the confidence of the Legislature, I suggest that an Address to the Ruler by the Legislature is a very important provision. In papra 207 of the Report, it is stated as follows:-

" We consider that provision may be made that all resolutions casting any reflection on the policy of the Ministry or its work and efficiency must be brought to the notice of His Highness, it being left to His Highness to decide what course of action he is called for, whether to direct the Ministry to change their policy in accordance with the views of the Legislature, or dismiss the Ministry either in part or in entirety, or to disregard the resolution altogether if the circumstances should justify it ". But this is exactly what is intended to be achieved by a specific Address to the Throne. Instead of any and every resolution and cut-motion being made subject of reflection on the Ministry, the Address requiring a certain minimum of members to sign before it is discussed in the Assembly, and the Council and again requiring a certain a specific majority for its passing will carry with it a great sense of responsibility on the part of the members of the Legislature before proposing and moving such an Address. And equally well the responsibility on the part of Ministers to respect such a large volume of opinion of the Legislature, Lastly to the Sovereign himself, It will be a clear verdict of a large section of the Legislature, to take the necessary step to direct the Ministry to change their policy or to dismiss the Ministry. Above all, an Address to the Throne will be a well-considered, dignified, and constitutional approach to the Sovereign by the people's representatives, which neither a cut-motion nor a resolution can take its place. On the contrary an Address to the Throne will be a greater safeguard that an ordinary resolution, or cut-motions carried by a snatch vote.

With regard to the Franchise, I desire to point out that all those who have passed the Upper Priamry, Middle School or Lower Secondary Standard, may be enfranchised, though I would suggest even lowering it further to those who have completed the Primary Standard.

Mysore State is attracting quite a large number of businessmen, capitalists, and Labourers who contribute to the

development of the wealth of the country. So, it is retrograde step to increase the period of residence from six months to one year or of domicile from five to ten years. Especially, when people of Mysore are granted political and other rights in the British Indian provinces with very much less qualification, it is not conducive to the growth of inter-provincial relationship by placing increased obstacles for conferring citizenship on people from outside. Such a step is sure to have very unhealthy reactions, not quite helpful, to a State like Mysore, whose people and products are to seek extended areas. I suggest that the educational qualification for a member of the Assembly in the absence of any other qualification should be that of an S.S.L.C and not of a Graduate.

Permission of the President should be obtained prior to arresting of any member during the sitting of the Houses

With regard to the Fundemental Rights, it is not enough, if they are only recognised by the Government, but they should be incorporated in the Constitution Act, with power to the Judiciary to enforce them. Only then can these ~~xix~~ Rights be of any value, expecially to the the Minorities who are guaranteed their civic and Social rights. Again clause ~~(ix)~~ (ix) of the Fundemental Rights, while seeming to secure equal opportunites for the use of public utilities, deny them in spirit by subjecting them to public peace and order. No doubt all these Rights are subject to Law and there is no need for a specific mention of it in clause 9, unless it be to take shelter under the time-honoured public usage and deny the right of ~~citizenship~~ use to the excluded classes. These Rights should be such as to inspire confidence and a new ray of hope to all those who have been so long denied by unmeaning and inhuman customs to the lawful enjoyment of even such privileges as ~~belong~~ belong to fundemental rights of Man as Man. Clause 9. with its proviso, simply ~~multiplies~~ nullifies what has been granted in clause 4.

With reagards to the independence of the Judiciary, it is not only necessary to fix the tenure and terms of service of the Judges of the High Court, but the High Court itself should be the authority for the entire control of the District and Session judges and other officers of the subordinate Judiciary.

With regard to Local Self Government, I suggest a Local self Government Board be constituted to watch and supervise local Self Government Institutions. In addition, it is very neccary to substantially increase the representation of the Depressed Classes (and Labourers in Industrial Urban areas) and make provision for the election of their representatives instead of the system of nomination, so that these local bodies may have a good representation of these of very poor and neglected section of the people, for whose welfare very much remains to be done by the local self Governing Institutions.

In conclusion I make a special appeal to the Government to give effect to all the recommendations of the Committee including such changes as will still more liberalise the Constitution and make it acceptable by all sections of the public. The political history of Mysore is one of generous grant of Constitutional privileges by the gracious will of the Sovereign, and the next step in Reforms should be such as will approximate to, if not exceed, the political privileges enjoyed by our next-door neighbours in the British Indian Provinces. And this fact has been recognised in the Government order constituting this Committee itself. It is our earnest and prayerful hope that a continued era of peace and prosperity will be established which will rank Mysore as the "Model" State, not only in matters of Industrial and economic, but also of social and political progress under the benign rule of His Highness the Maharajah.

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29.8.39

T. Ramachandra
Member, Constitutional Reforms Committee

COMMITTEE ON CONSTITUTIONAL REFORM IN MYSORE.

Note of Dissent by

Bhupalam R. Chandrasekharaiya.

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Preface.

The report is based on resolutions on specific points passed at the meetings of the Committee. Where opinion was not unanimous, the views of the minority members have also been noted in the report itself. I have felt it necessary to explain the position taken up by me as also to answer the criticism levelled against my views by the other members and hence I have submitted this supplemental and dissenting note. In this preface I wish to offer a few general remarks.

2. Though the majority of the members of the Committee have shown in their recommendations a broad outlook, they have not gone as far as the situation demanded, and have stopped half-way. My view is that the time has come when His Highness the Maharaja may with safety entrust the day-to-day administration of the state with a cabinet composed only of elected representatives of the Legislature, retaining within himself, at the same time the royal prerogatives of ultimate veto and ratification, as the Sovereign authority in the State.

3. By the liberal spirit adopted by His Highness the late Chamaraja Wodeyar and his illustrious son the present Ruler, the people of Mysore have naturally been led to aspire for Responsible Government. Mysore is fortunate in that the peoples' aspirations have not to contend against an alien power opposed to their interests. Since His Highness has identified his interests with those of his subjects, he is sure to assent to proposals that would serve the country best, making for stability of administration and all-round prosperity. In my view it is the establishment of Responsible Government immediately that will ensure hastening of the progress that has been initiated by the administration.

4. Every responsible leader from the Provinces who has had the privilege of visiting Mysore, has been struck by the remarkable measure of progress that the State has attained to under the present administration. Vast and courageous schemes, making for all-round development of the State, have been inaugurated. In many respects Mysore's administration is proving an example to the elected ministers in the Provinces. But still there is a great deal more to be achieved immediately. It is a notable fact that Government are not getting for their schemes of reform and progress, the co-operation from the people that these schemes deserve. The pace of progress has not been as rapid as it would

would have been, owing to this want of co-operation. This feature is due to the fact that under the present system of administration, people do not feel that the Government is theirs'. They do not share the feeling of achievement along with the administration. There is no use in blaming any individual or individuals for this state of affairs. It is an inherent defect in the system of administration itself, and the remedy lies in entrusting the administration to the chosen representatives of the people. Then will people feel that these institutions are of the people, by the people, for the people. Then will advancement be more rapid and permanant than even now.

5. There is also bound to be continuity of progress, which is not quite ensured by the present system of administration. At present the progress is dependent on the courage, capacity, and vision of the Dewans. We must not forget the fact that after the great schemes inaugurated by Sir.M.Visweswariah there did follow Dewans who were not so very enthusiastic about or appreciative of big schemes for the industrial advancement of the State. I am even inclined to think that the present progress is due to the lucky accident that we have in the present Dewan Sir.Mirza M.Ismail an administrator who has fullest faith in the Industrialisation of the country and has the courage to put his schemes into operation. In future there must be some way of ensuring the continuity of the progress for which the two great administrators Sir.M.Visweswariah and Sir.Mirza M.Ismail have toiled with the fullest sympathy and support of His Highness the Maharaja. The only way of achieving it, to my mind, is to make the people themselves responsible for running the administration, and to initiate, formulate, and direct the policies for the progress of the State. And under His Highness's ever watchful and sympathetic eyes the popular ministry is sure to achieve remarkable progress for the State.

6. Those who have opposed the idea of entrusting the administration to elected representatives, have argued, that the beneficial results achieved at present, may be nullified by the change. I am of opinion that this fear is groundless and that greater prosperity is bound to follow the change. From another point of view also is the change of system of administration imperative. For the last two years there has been intense agitation in the country for Responsible Government. To many it is a surprise that people should desire for change in spite of the fact that the present administration

administration is striving its utmost to serve the best interests of the country. Though it is efficient it does not satisfy the legitimate aspirations and the imagination of the people, who have begun to ask for a system of Government which they can feel as their very own. As this aspiration has been nurtured by the Rulers themselves, time has come when they may think of satisfying it. No doubt it is unhappy that there should be so much agitation in the country, but it is a fact that cannot be overlooked. So long as agitation continues, the States' progress is also bound to be affected in all directions. I need not labour on the need for settled administration to make for progress. Trade and Industry cannot flourish when conditions are unsettled. The only way to ensure the stopping of agitation and the establishment of peaceful condition is to satisfy the legitimate aspirations of the people.

7. I do not in any way suggest that Political Reforms must be the result of agitation only. At any rate in Mysore the wise Rulers have ~~establis-hed~~ established a tradition of forestalling all agitation by the introduction of timely Reforms. But the present day world conditions and the political situation in India have all had their effect of disturbing the tranquility within the Native States. And Mysore in common with the rest of the states could not hope to be free from agitation for the fulfilment of the natural and legitimate aspirations of the people. In a peoples' movement it is always possible that there would be sometimes defective lead, unhappy developments, and suffering that could be avoided by a more ~~xxxxxxxx~~ sagacious handling of the situation without in any way crying halt to the march towards the Goal. But such individual and party mistakes ought not to count when the interests of an entire people are concerned. And where the interests of people and Ruler are identical as in Mysore this point needs hardly any emphasis.

8. Hence while I share with my colleagues the regret that the State Congress representatives chose to withdraw from the Reforms Committee at the closing stages I would earnestly appeal to the Government of His Highness the Maharaja to look at everyone of the decisions reached in the Committee and the voting thereon from the point of view of what those decisions would have been, had my friends of the Congress remained in the Committee to the end of its labours. On the controversy that arose between myself and my friends of the State Congress, that led up to their withdrawal from the Reforms Committee,

I have appended a sub-note to this, which will explain the whole position. All that I wish to emphasise here is that the cause of the people of Mysore should not go by default, simply on the ground of the actions of individuals or group of individuals. In the life of a state individuals and groups come and go but the interests of the toiling masses ever remain paramount.

9. Before closing this preface I wish to thank the Government heartily for enabling a citizen like me to advocate in the Reforms Committee the cause he dearly loves - the cause of Responsible Government. ~~in the Reforms Committee.~~ Civil liberty for the expression of one's views fearlessly on constitutional questions is one of the blessings that the people of Mysore are enjoying under the benign rule of His Highness the Maharaja. The wide terms of reference to this Committee are themselves proof of this. I have in the body of the note set forth all my views on all the important points .

10. I wish also to add that in the Chairman of the Committee I found one that gave the fullest liberty of expression of all views even though sometimes he found in me the only exponent of particular views at the closing stages of the Committee. I am highly thankful to him and all the other members of the minority and majority views and communities of the Committee for the spirit of toleration and sympathy shown for all points of view.

Fundamental Considerations taken into account by the Committee in recommending the form of the Executive for Mysore.

Evolution and working of Local self-Governing Insitutions in Mysore.

11. My colleagues have reviewed the evolution and working of the local self-governing insitutions in Mysore in paras 70 to 74 of the Report. One remarkable feature brought to notice by this review is that Local Self-governing institutions have been in existence in Mysore for the last 76 years. The steady advance since that date in local self-government and the long continued experience that the people have gained in working these institutions, are very important features of public life from the point of view of the advocate of full and immediate establishment of Responsible Government. It is no doubt easy to point out various defects in the working of these institutions. No human institution could be perfect. It is said that the work of the municipal authorities of London itself -the home of the mother of parliaments - is highly defective that various reforms are called for. To find out whether there is any presence of communalism ~~communalism~~ to any large extent in the local bodies ~~boards~~ in Mysore one might profitably turn his eyes to the non-official elected Presidents of the Municipalities and District Boards of the state. In the District Boards two of the Presidentships are held by Muslims; two by Brahmins; two by Veerasaivas; one by Vokkaliga and one by one of the minority sections of the Hindus. This proves beyond doubt that communal considerations are not a dominant factor of the public life of Mysore at present. In fact even in the matter of nomination of representatives of the minority communities to the local bodies, criticism against the Government in the Assembly has been levelled for not inviting members of the minority communities who have been successful in the general elections to those bodies. If statistics of the successful members of the minority communities in elections to the local bodies be taken it will reveal, that minorities in the state are not suffering simply on the ground of their being minorities. Hence I am of opinion that those that would point to the defects only in the working of the local bodies and argue that immediate establishment of Responsible Government overlook the fundamental consideration that the people of Mysore have had ~~a long~~ a long-continued experience in working these institutions. It is the experience that counts. As professor F.J.C.Hearnshaw observes (in his study of King Edward vii) " Long apprenticeship in Local self-government seems to be indispensably necessary if self-Government on a national scale is to be successful

12. In my opinion Self-Government or Responsible Government will be successful since Mysore has had that long apprenticeship in Local Self-Government for more than three-quarters of a century.

13. The Growth of Political Consciousness in Mysore:-

The growth of political consciousness in Mysore is dealt with in paras 78 to 85 of the majority report,(1) In para 77 my colleagues remark: " The most difficult portion of our task has been to assess to what extent the recent agitation in the state is an induced phenomenon and to what extent it is really a spontaneous growth,(2) In para 79 they state that political aspirations were not very conspicuous in the early stages and that the relations between the Ruler and the Ruled were characterised by harmony,(3) My colleagues next refer to the growth of the communal movement and the later developments in the birth of the Congress movement in Mysore,(4) Haripura resolution of the Indian National Congress is referred to in para 80,(5) My colleagues next refer to the tragic incidents at Viduraswatha and the findings of the Varadan Committee report in para 84,(6) In para 85 my colleagues state their inference as follows:- " That in the activities of the Congress party in this state in the past two years, considerations of "truth" in propaganda and " non-violence in action have not always been secured int their observance,(7) In para 85 my colleagues further observe that communalism is not dead in the state and " that the form of full ~~Responsible~~ Responsible Government might be used as an instrument of unrelieved majority rule, which would differ little from the rule of the majority communities,(8) My colleagues next review the progress of education in the state. They refer again to the Viduraswatha incidents and give this warning, "Viduraswatha will stand as a beacon of warning for a long time to come". And they come to the following final conclusion: " We are emphatically of opinion that it would be no part of wisdom to ignore the fact that the present level of the political consciousness of the people at large could not justify the placing, all at once, of the burden of what is called full Responsible Government"(para 88).

14. The above points are of utmost importance and require detailed consideration. Before doing so it is necessary to indicate in ~~an~~ a very brief manner the ~~system~~ present system of Government as also the objective of the peoples' movement in the state. The observations of my colleagues regarding the growth of political ~~consciousness~~ consciousness in Mysore will then appear in proper relief.

Para 20. In such favourable auspices as we have been placed under the benign rule of H.H.The Maharaja ,peace with orderly progress and not conflicts should be the order of the day. And the constitution recommended should be such as to avoid all conflicts and it should be a challenging invitation to the discontented elements to come,prove their worth and advance by the sole merit of the work turned out. As Prof. H.J. Laski observes " No community could hope to fulfil its purpose if rebellion became a settled habit of the population". This applies to violent rebellions as equally to non violent rebellions. Of course this does not justify rebellion, violent or non -violent. But what is the remedy ? " Rather we must seek a method of organisation which can direct the power of sacrifice to an ideal into channels of use to society as a whole " (H.J. Laski).

21. In my opinion it is the establishment of Responsible Government immediately that will be an inducement to bend the energies of Political parties into useful channels of work for the good of the people. We are now in the stage of agitation for Responsible Government.

22. The four stages of political development as analysed in a general manner by Woodrow Wilson (in "Constitutional *Government* in the United States") are as follows:-

" A first stage in which the Government is master, the people veritable subjects; a second in which the Government ceases to be Master by virtue of sheer force and unquestioned authority but remains master by virtue of its insight and sagacity, its readiness and fitness to lead; a third in which both sorts of mastery would be failing and it finds itself face to face with leaders of the people who are bent upon controlling it , a period of deep agitation and full of the signs of change and a fourth in which the leaders of the people themselves become the Government and the development ~~Development~~ would be complete".

23. The first stage in Mysore might be traced upo to 1881 Roughly . In this period the fifty years of direct British Rule from 1831 to 1881 is to be ~~dis-~~ distinguished from the prior period as ~~already~~ remarked above.

24. It was during these five decades that the people became habituated to the British mode of administration and attained to the " advanced ideas of right" under British Rule. The second Stage of development in Mysore commenced with the rendition in 1881 and continued up to 1936. To the ~~great~~ good fortune of the State the Rulers of Mysore have with great insight and sagacity developed Mysore in all directions and have themselves led the people by virtue of their ~~great~~ noble qualities ~~-qualities~~

This is one of the chief reasons why political aspirations -in Mysore have been of a slow growth. Again in the purely Indian and Mysorean Dewans of the State it was natural for the people to take pride, identify themselves with their policies and look to them only for the ~~pro~~ - progress ~~gress~~ of the State. Here also ~~the~~ the great names ~~like~~ of Dewan Rangacharlu, Sir K. Seshadri Iyer, Sir M.Visvesvaraya and that of the present Dewan Sir Mirza M. Ismail, are sure to find a lasting place in Mysore History due to their great achievements for the progress of the State. Considering all these circumstances leaders of the masses were slow to rise.

25. Not that there were not great leaders of public opinion. Perhaps it is true to say that Great Leaders came on the scene in the begining of the Second stage itself . But the masses then were not ready to be led by them. Nor was there any need for mass agitation. The Representative Assembly was itself something of a Congress for the State for a long number of years with the additional advantages of ~~the~~ direct contact with the Government spokesmen. Hence all agitation was naturally confined within the Assembly itself. And here we had the heroes of a hundred battles.

26 Loyal to the Core, ~~intsely~~ intensely patriotic and burning with a zeal for progress of the State in all directions, men of undoubted integrity and ability, with unflinching courage

courage and readiness for sacrifice -such were the men that the Assembly witnessed, in leaders like Mr.M.Venkatakrishnayya the late G.O. M. and his band of courageous followers . They held the field until the beginning of the Communal movement. Outside the Assembly, also publicists of acknowledged ability were continuously educating public opinion in Mysore on common problems of the native states, fundamental rights of citizenship as also on the question of Responsible Government.

27. It must here be noted that the Communal Movement was in the initial stages actively and openly encouraged by some of the highest State Officers themselves in Mysore. Though it was thoroughly wrong in principle the leaders of the communal movement were preaching in terms of what they called "social justice" to all communities and they thought that this would be done by distribution of the Government appointments on a communal basis . Such questions allied to certain others such as the admission of all communities into certain Schools and Colleges on an equal footing created an impression that the amelioration of the conditions of the masses lay in a so-called equitable distribution of the loaves and fishes of Office" and this policy was being placed before the electorate in the elections to the Assembly.

28.Hitherto the naturally more educated people had dominated the Assembly . It was also natural

that they should belong to one community that due to various historical causes had voluntarily kept burning the torch of learning for ~~centries~~ centuries together . But their politics in the Assembly were not communal. They were essentially democratic in outlook and had begun to speak in terms of Responsible Government and the rights and liberties of the people. They naturally ~~oppose~~ opposed communal ideas and did try their best to direct the attention of the public to common national questions rather than the sectional interests of ephemeral value. This explains the reasons why the resolution for ~~the~~ responsible - Government was simultaneous with that of the - Resolution to enquire into the question of the representation of the "Backward Communities", in the services of the State in 1921 to which my colleagues have referred The leaders of the Non -Brahmin movement in Mysore however were not so sympathetic towards democratic advance but directed their attention to questions like representation in the Services and the Legislature. In his note submitted to the Seal Committee Mr. Mahomed Abbas Khan (My colleage in this Committee) who was then one of the stalwart leaders of the non -brahmin movement observes as follows :-

" It is a matter of common knowledge that in the Representative Assembly, the majority of the seats are being captured by a single class to the ~~XXXXXX~~ detriment of other classes. Are we to allow these glaring inequalities to continue ? I am ~~fully~~ firmly convinced that there is a grave social danger in

in permitting any oligarchy as such , to plant its roots more and more firmly into the soil ,on the grounds of abstract justice and providing them with additional weapons derived from the armoury of countries where democratic conditions prevail, to enable them to maintain their formidable superiority in the present too unequal a contest ".

29. Let me here observe in passing that the majorities in 1923 feared that democratic advance in Mysore might result in the oligarchy of powerful minorities. And now we are told in 1939 that the Minorities fear that the establishment of Responsible Government in Mysore would result in the tyranny of the - majorities. Thus the pendulum of fear now swings to the side of the minorities and then to that of the majorities according to the convenience of the hour to oppose democracy which is neither majority tyranny nor minority oligarchy, but is based upon a harmony of all interests to serve the national cause.

30. But neither the non -brahmin movement nor the movement for Responsible Government did catch the imagination of the masses in Mysore. Though in British India there were deep stirrings of the people due to the non-Cooperation movement and the emergence of Mahatma Gandhi on the Political arena, it had little effect on the masses of Mysore in relation to their internal problems. Whatever agitation there was, it took the form of an expression of sympathy and solidarity with the British Indian movement for Swaraj

but did not express itself in a demand for responsible Government. In the meanwhile Indian National Congress Committees were springing up in all parts of the State and their activities had the effect of ~~mm~~ rousing up the masses in relation to the happenings in British India.

31. In such an atmosphere several attempts were made to focus public opinion on ~~to the~~ internal political problems. There were some All -Parties Conferences held and a State Congress was also started in 1928 which functioned for three years and then became defunct.

32. In the meanwhile the Assembly and Council were dominated by Communal leaders. They were not slow to realise that the condition of the masses was not going to be improved by mere fights for communal representations in the services. They did not give up communal agitation but side by side demands were being made for salary cuts to bring down the cost of the administration and they fought hard for land revenue remissions and real relief to the ryots . They had placed however Responsible Government as the goal of ~~poli-tical~~ political Reforms in Mysore.

33. The Policy of the Government however was to keep clear of the Communal movement ~~moment~~ and in the economic fields they concentrated their attention upon building up the Industries of the State. Industrial ~~Develop-ment~~ development now marks as one of the most distinguishing features of Mysore of which the people may well

be proud ~~of~~.

34. Strangely enough the leaders in the Assembly and Council did not appreicate this attention given to the Industries. For this attitude of theirs apart from Communal causes there were however other potent causes which the Government missed to take due notice of. ~~Representations~~ Representatives coming direct from the people had personal knowledge of the distress that prevailed in the rural parts and repeatedly they did demand reductions in land revenue - as some relief to the suffering tax -payers. This was not done . They urged permanent cuts in the - salaries and the bringing down of the cost of the - administration. This was not done. They complained of coercive measures in the collection of land revenue, and strongly urged for remissions. The Peoples ' representatives ~~representations~~ and the Government were unable to see eye to eye in these ~~the~~ matters. These ~~They~~ brought about a cleavage ~~change~~ between the Government and the representatives of the people. But still the differences did not take the form of agitation but simply manifessed themselves in the legislature, but often their importance was relegated to the background by ~~occasional out-bursts~~ outbursts of communal jealousies.

This in short is the background to the period of agitation which commences ~~commencing~~ from 1938. I will notice some other features of the stages that led up to the agitation in Mysore.

35. For a long time there was a comfortable belief that the solution of the British Indian problem i.e., Dominion Status (as then expressed) would automatically solve the internal problems of the Native States. The Butler Committee report, the Round Table Conferences, all had the effect of dispelling such hopes. The need for a proper nationalistic organisation for the Sate was felt on all hands. But the branches of an organisation were already existing in the form of the Committees of the Indian National Congress and all that was required was to bring in a Central organisation. This was done. And the first Mysore Congress Board was started under the Presidentship of Mr. Sampige Venkatapathiah in January 1937. It was a rallying point for all nationalistic elements in the State, the beginnings of a great Organisation were foreseen but no conflict with Government was thought of. It was purely a question of constitutional agitation for responsible Government and the President of the Indian National Congress, Pandit Jawaharalal Nehru, had clearly laid down this condition . At any rate no Satyagraha was to start without his express permission.

(Cont.)

in Mysore it is most significant that the Indian National Flag Should have figured in prominence. There were some flag incidents at Chennagiri, Sagar and Ramadroog. These were brought to the notice the Government through an adjournment motion in the

in the October session 1937 of the Representative Assembly and the Government frankly admitted the mistakes of the over enthusisatic Police Officers and the adjournment motion was withdrawn

39 ~~40.~~ As the symbol of National Unity of India, the Flag had caught the imagination of the masses. It was an expression of solidarity with the Indian National movement for Swaraj. The flag but symbolised the actual change of out-look in Mysore . Thus the Responsible Government movement was now lifted from its hitherto limited field of the Mysore State and appeared as but part of a great All -Indian National Movement. Political aspirations in Mysore have been of slow growth as observed by my colleagues. But when they actually came up they breathed a greater atmosphere, ralised a greater identity than set up by geographical limits . The soul of the movement in Mysore was but a spark or part of the All-Soul of the Indian movement.

40. When such a change in mentality takes place unexpected results follow. My colleagues feel a surprise at the History of Mysore not running with the same smoothness as before (para 77) since 1937. The reason is to be found in the change of outlook that came about. When the mind is freed from the ordinary confines, when higher relations than those warranted by the Physical borders of the state are felt, when aspirations for Responsible Government hitherto thought of as confined to the State are for the first time actually felt to be identified parts of the noblest and highest aspirations

of India as a whole a tremendous power is generated and the highest springs of human action come up to the surface. Sacrifice for the national ~~Nationa~~ cause - That will be the dearest ambition ~~Ambition~~ cherished by the leader and follower alike.

41 ~~42.~~ When all this was creating self reliance and speeches in that strain began to be made by the leaders of the movement the ground was prepared for an inevitable conflict between the Government and the people. Hence there could not be any induced phenomenon in the Mysore Movement as my colleagues think ~~thinks~~, but a very natural indigenous phenomenon appeared, ~~development~~ though it might have been late. But as the "Seal Committee " observed:- "There is an advantage in being born late in life." There was no history so distinguishing to the movement in Mysore as to that in British India. But the Mysore leaders were thinking somewhat as follows ~~And~~ When solidarity is affirmed, when the part is identified with the whole, the heritage of the whole belongs to the part as well. So if the Indian National Movement took fifty years to build up its Institution, power , prestige and position in the country, the Mysore movement need not wait for a repetition of history; there were no two movements ; it was one struggle for the whole of India; ours was but a part of the big struggle; whatever success the latter has achieved ~~achied~~ is also to be shared by us . Moreover we have also sacrificed for the great cause. Such ~~such~~ were the great thoughts working in the minds of the leaders. ~~mind and impelling them to great actions.~~ The result was that the Government's leadership in the State, which ~~they~~ had been built up by sagacity and sincere intentions for the welfare of the people began to be attacked and questioned.

42 ~~44.~~ By this time the peoples party consisting of the non-brahman ~~Non-brahman~~ leaders had been dissolved and all of them with few exceptions had embraced ~~embranced~~ nationalism. This was an inevitable development. My Colleagues observe in para 82 of the Report as follows:-

"The coming into power of the Congress ministries ~~ministeries~~ in many British Indian Provincies in July 1937, however seems to have changed the attitude of the leaders of the "peoples federation" towards the congress party and this resulted in the emergence of a new party under the name of the Mysore Congress owing allegiance to , if not working as a branch of the Indian national Congress ". This description is historically inaccurate and the causes that led to the dissolution of the "peoples party" are not fully set out. What really happened was that before the sweeping forces of nationalism, communalism could no longer hold its sway in Mysore. Its days were numbered and final extinction was a foregone conclusion. Though in the Elections of March 1937 the Congress success was not so marked chiefly due to want of proper organisation, however by October of the same year the Congress Committees had spread all over the State and there was unprecendented enthusiasm evinced by the masses to hear the congress message. The period of agitation had preceded the dissolution of the "peoples federation" and not merely followed it, as my Colleagues think.

43 ~~45.~~ The Walk-out staged by the Assembly Congress party ~~and~~ as a protest against the repressive policy of the Govt.

had been decided upon prior to the coming of the non -brahmin leaders. The arrest of the leader of the Assembly Congress Party Mr. K.T.Bhashyam on the midnight of the 15th October 1937 in the Representative Assembly Home gave a tremendous impetus to the move. It is however most significant that the Congress Members that walked out returned back to the Assembly the same afternoon with cries of " ~~Victory to the Maharaja, Sri Krishna Raja Wodeyar~~ " " ~~Victory to the Congress~~ ". (~~Jais~~)

Sri Krishnaraja wodeyar-Ki- Jai" and "Congress-Ki-Jai"

44 Outside the Assembly the public were greatly agitated over the incidents in the Assembly and the arrests of the leaders. The whole atmosphere was electrified and at such a moment, the tours undertaken in the State by Mr. K.F. Nariman, Bombay Congress Leader, naturally attraced very huge crowds. And the unhappy incidents in Bangalore on the 24th and 25th of Octr.1937 were not merely due to the actions of the people, but were also the results of tactlessness and provocative behaviour of the Police. This is proved beyond the shadow of a doubt by the strictures passed by the Sessions Judge of Bangalore against the behaviour of the Police in the first case connected with the disturbances.

45 The peoples' enthusiasm for the cause of Responsible Government could also be guaged by the vast multitudes that came to ~~bear~~ hear the Congress Speeches especially during the All State Tour of Dr.Pattabhi Sitarmiah, British Indian Congress leader and Mr. Balawantaroy Mehta Secretary of the Indian States Peoples Conference. In a

In all their speeches they paid a tribute to the forward policy of Mysore State as compared with other Indian States and appealed to the Government to go forward in the matter of Political Reforms too . My Colleagues ~~Collegagues~~ remark that a considerable amount of agitation and organised pro - paganda was started and carried on in its name(Mysore Congress) and with external aid ". I would only draw ~~atten~~ attention ~~attention~~ to the nature of the external aid in the persons of Dr. Pattabhi Sitaramiah and Mr.Balawantharoy Mehta. This aid was of a most helpful nature and their suggestions were constructive. At one of the critical periods in the recent political history of Mysore these leaders of British India gave a proper direction to the people of Mysore by placing before them the really progressive nature of the administration in Mysore as compared to other native states and showing also that the proper method of approach to the problem of Responsible Government in Mysore would be to appeal to the Government in the proper spirit. No one should regret such external aid.

46 ~~48.~~ That the Mysore Congress board alone was not the sole agitator for Political Reeforms in Mysore is amply proved by the proceedings of the January Sessions of the ~~Legis - lative~~ Legislative Council in 1938 which my Colleagues have referred. That the desire for progress was shared by extremeists and moderates, the vested interests as well as the common mass of people is proved by the resolution on further constitutional reforms moved by Mr.P.Subramachetty,M.L.C. Representing the Mysore Chamber of Commerce he may be regarded as a representative of the vested interests in Mysore. The following extracts from his speech are all

well worth noting. " I beg to say that our Representative Assembly was constituted in 1881 i.e, 56 years back. I think it is older than the Indian Natitional Con-gress.

....." I want to draw the attention of the Government that so far as the Elected Element of our Council is concerned, it does not compare favourably with that of the Cochin Council. Even with regard to Travancore ,we do not compare favourably.

....." If we go through the history of political Reforms in British India,we see that they have been given in rapid succession . Every ten years they have had reforms , and now they are enjoying Provincial autonomy. In case we compare our constitution with the constitution in the British Indian Provinces, we will find that we are something like twenty years behind times."

41 ~~40.~~ It is worthy of note that the Resolution in the Legislative Council was seconded by a congress member Mr.Belur Srinivasa Iyengar and supported by Mr.D.V. Gundappa as also by Rajasabhabhushana Dewan Bahadur K.R. Srinivasa Iyengar,Retired Member of the State Council (Chairman of the present Committee). Thus it will be seen that all sections of the public were of opinion that constitutional Reeforms were long over due in Mysore. One of the causes of the agitation in Mysore is certainly traceable to this delay ~~day~~. As regards the agitation itself Mr.Belur Srinivasa Iyengar,Congress M.L.C. made this sincere appeal to the Dewan on the

PRINCES AND PEOPLE.

Butler Committee
Report, para 49 -

" The duty of Paramount Power to protect the States against rebellion or insurrection is derived from the clauses of treaties and sanads, from usage and from the promise of the King Emperor to maintain unimpaired the privileges, rights and dignities of the Princes. This duty imposes on the Paramount Power correlative obligations in cases where its intervention is asked for or has become necessary. The guarantee to protect a Prince against insurrection carries with it an obligation to enquire into the causes of the insurrection and to demand that the Prince shall remedy legitimate grievances, and an obligation to prescribe the measures necessary to this result.

POPULAR DEMANDS IN STATES.

Butler Committee
Report para 50-

The Promise of the King Emperor to maintain unimpaired the privileges, rights and dignities of the Princes carries with it a duty to protect the Prince against attempts to eliminate him and to substitute another form of Government . If those attempts were due to mis - misgovernment on the part of the Prince, protection would only be given on the condition set out in the preceding paragraph.

If they were due, not to mis -government ,but to a wide spread popular demand for change,the "Paramount Power" would be bound to maintain the rights,privileges, and dignity of the Prince; but it would also be bound to suggest such measures as would satisfy this demand without eliminating the Prince".

56 ~~55.~~ The Ramesam Enquiry Committee themselves (in para 116 of that Report) have held that Mysore is one of the best Governed States . Inspite of ~~it~~ this fact, there was an intense agitation in the State i.e., "a wide spread popular demand for change". The tragic incidents of Viduraswatha are to be regretted but they indicate the strength and volume of public opinion and the peoples' readiness to face extreme suffering.

As the Butler Committee truly observe "If they were due not to misgovernment ,but to a widespread popular demand for change ,the paramount power would be bound to maintain the rights, power and dignity of the Princes; but it would also be bound to suggest such measures as would satisfy this demand without eliminating the Prince".

57 ~~59.~~ But there is no need nor is there any ~~desire...~~ desire on the part of any body for any intervention on the part of the Paramount Power ~~in Mysore~~ and Responsible Government in Mysore should be established as a matter of friendly understandings and adjustements between the Government and the people . The Government who have led the people till recently would hereafterwards be leading them again to the full heights of their political developments.

58 ~~60.~~ I have already referred to the fact that the relations between the Government and the Mysore - Congress became harmonious once again after the release of the Political prisoners and the acceptance of the resolution for the constitution of the Reforms Committee. After the Haripura Resolution the Mysore Congress came into existance at Shivapura on April 10th. i.e., ten days after the publication of the G.O. constituting the Reforms Committee. In this inter - mediate period the differences between the Government and the leaders related to minor matters concerning the constitution of the Reforms Committee. At Shivapura the prohibitory order of the District Magistrate was a sudden last minute development and the Flag Satyagraha was similarly un-premeditated, though unfortunately it side tracked the ~~main issue of~~ attention from the main issue of Constitutional Reforms But for the complications introduced by the Flag orders and Satyagraha thereupon merely policies of Co-operation or non -coperation with the Reforms Committee being purely constitutional activity would not have brought about any serious situation in the Country. To further substantiate my argument, I only refer to the recent withdrawal of my friends of the Mysore Congress, not only from the Reforms Committee but from the legislature and local bodies from 26th February 1939 as per Malleswaram A.M.C.C.Resolution . Nothing tangible has come out as a result of this policy and the public tranquility has not been in the least got affected thereby. It has weakened their position in the Country showing clearly that the public of Mysore while

demanding responsible Government are not blind supporters of all sorts of policies. Reason does count ~~not count~~ with the public, of Mysore very greatly.

59 ~~58.~~ The various speeches referred to by the Ramesam enquiry Committee mostly date to the period before the ~~Haripura resolution~~ Shivapura Convention. If then as my Colleagues infer that truth in propaganda and non -violence in action have not characterised the Congress movement in Mysore - why then did not violence burst forth in all its virulence at Shivapura itself at the first convention where there was a whole army of the Mysore Congress Soldiers of '~~untruth~~ "Violence" and leaders of "untruth" ~~and " violence~~ " ? Why did crowds of fifty thousands behave so non -violently inspite of 'untruthful' propaganda there ? The Shivapura Flag incidents are an excellent testimoney to the restraint and forbearance of our people in Mysore even in the face of grave situations. At the same time the District Magistrate and the Police by their most tactful but firm action upheld authority in a most dignified manner that does credit to the Civil Service in Mysore. I do not justify the District Magistrate 's prohibitory order there since Flag hoisting was arranged to take place on private land. But the manner of handling the situation created by the order deserves the highest commendation. I have no hesitation in stating that the best, in fact the true ,aspect of the Peoples' movement as well as that of the Government were revealed atShivapura in the incidents connected with the Peaceful Flag Satyagraha. I am therefore in complete

complete disagreement with the inferences drawn from the Ramesam Committee findings by my Colleagues.
A whole peoples movement can neither be condemned by the conduct of the Local leaders, ~~not~~ nor a whole Government descredited by the behaviour of the local Officers as at Viduraswatha.

60 ~~60.~~ In fact it was with true insight that His Highness the Maharaja appreciated the public spirit and patriotism in the peoples' movement. " I have been commanded to assure you that His Highness has been watching with keen appreciation the growth of the public spirit and patriotic zeal among his subjects and that their aspirations for larger opportunities to serve the State will meet with due response at the proper moment " (Dewan's Address to the Assembly October 1937) The beloved Sovereign's judgement of the peoples' ~~moment~~ movement is there and it overshadows the findings of any number of committees.

61 ~~62.~~ When there is such a popular awakening in the State " "the best and only remedy is to make popular representatives responsible for the administration" as suggested by Mahatma Gandhi in his Statement issued on April 29, 1938 four days after the Viduraswatha tragedy. " The Traggic deaths and injuries inflicted upon innocent persons would be a small price paid for the liberty of the people " (Mahatma Gandhi).

62 ~~64.~~ Sirdar Patel and Acharya Kripalini gave very wholesome advice to the people of Mysore in a Public Meeting at Bangalore. They pleaded for a new era of good understanding

between the Government and the people and advised the honouring of the State Flag ~~about~~ along with the National Flag. They strongly advised against Flag Satyagraha in a Native State.

63 ~~65.~~ The proper conclusions to be drawn from the tragic incidents are wholly different from what my Colleagues have stated. The remedy lies as suggested by Mahatma Gandhi in establishing Responsible Government. The Mysore Government Order of 17th May 1938 hoped by the withdrawal of prohibitory orders and release of Political prisoners that there would be a " conclusion of a period of doubts and difficulties and the inauguration of a new era of progress and prosperity in the State ". The people of Mysore have responded to this Noble Call on the part of the Government. The State Congress leaders have no doubt non -cooperated with the Government recently. But their actions have had little effect upon the public and the people of the State are now looking forward to the Government of His Highness The Maharaja for the fulfilment of their aspirations. The present harmony in the relations between the Government and the people is a most opportune moment for the establish — ment of Responsible Government so that ~~real~~ leaders of the people may now come forward and shoulder the burden of the administration and build upon the sure foundations that have so far been laid by the present system of administration for the progress and prosperity of the people of Mysore.

64 ~~66~~. My Colleagues have next referred to the literacy of the few and the illiteracy of the many as one of the obstacles to the immediate establishment of full Responsible Government. ~~within~~ Within the last sixty years the Government have been able to educate hardly ten percent of the population. Granting that the same progress would be maintained without stagnation and in arithmetical progression it would take six hundred yeard before universal literacy is attained in Mysore. Rather than wait for such a long period to establish Responsible Government, it would be better to make the people themselves responsible for the formulation ~~formation~~ of their educational policies. My Colleagues point out that there is a danger in the Combination of the literacy of the few with the illiteracy ~~literacy~~ among the masses in the body politic of Mysore. But the Viduraswatha incidents referred to by my Colleagues have revealed that the greater danger to human life and prosperity in Mysore consists in the well placed literate few (i.e., Government Officers) acting up to the ideal of mastery over illiterate toiling masses ~~rather than~~ to the ideal of service to the people, as when under a system of Responsible Government. ~~them~~. As the Working Committee of the Indian National Congress stated the remedy lies " in establishing Responsible Government in the State so that the responsibility for law and order including firing whenever it is deemed necessary will be shouldered by a Government answerable to the people ". Dewan Rangacharlu, the first Dewan of Mysore observed with a keen practical insight when he said " If the spread of any high degree of education among the great mass of the people were to be insisted upon, we may have to wait for ever ".

The status of the Ruler in Mysore.

65 In para 91 my colleagues state " The Sovereignty of the Ruler is strictly cicumscribed by his reponsibility to the Pramount Power ", and at the same time remark that " The source of all power, jurisdiction and authority in Mysore is the Ruler ". I have shown at a later stage while considering the treaty relations that there would be freedom from interference on the part of the Paramount Power if the Government is conducted in a manner adapted to the advanced ideas of right attained to by the people. I have shown that Responsible Government would be a natural development of the treaty relations. From this view it will be clear that the Ruler will enjoy a higher status and a real Sovereign status when a system of Responsible Government is introduced than the present inferior status of ristricted Sovereignty even in internal matters, since in the absence of a popular form of Government he will have to be answerable to the Paramount Power (the political department of the Government of India) for all measures undertaken by his Government. I have also shown at a later stage that the limitations imposed by the Paramount Power arise on account of the " Sacred obligations " of the Paramount Power to the people of the state. Hence under a popular form of internal Government these restrictions automatically cease and the Ruler in Mysore would then really become unrestricted source of all power, jurisdiction and authority in Mysore.

66 If still for argument's sake it is admitted that there would be any unwarranted inference on the part of the Paramount Power in matters connected with the internal sovereignty of the Ruler even after a popular form of Government comes into existance, then istead of making an unaided personal stand as at present to cope up with such situations, he would be having the fullest and most loyal, support of all of his subjects since thier freedom will then be fully equated with the enjoyment by him of internal sovereignty .

67 In support of my observations made in the two previous paragraphs I would refer to the minute submitted to the Government of India by Mr. Gordon Chief Commissioner for Mysore on 10-2-1879. In para 4 he observes as follows:-

"It should be the interest of the Chief to seek advice and assistance when necessary, bound as he is to satisfy the British Government that the state is being Governed in accordance with the best interests of the people". It is quite possible to infer from the above that when the people themselves would be made responsible for the administration, the Paramount Power cannot have any more reason to interfere.

At this stage it is now necessary to consider the treaty relation

The Treaty obligations:-

67 The Treaty relations are in no way a bar ~~for~~ to the developement of full Responsible Government in Mysore. In my opinion Responsible Government itself would be a natural developement of the treaty relations. If the treaties were in any way restrictive of the full political developement of the people then in plain language the status of the states people is reduced to that of mere chattels and slaves. Then the Paramount duty of the states people would be to repudiate these dynastic treaties of the Rulers of native states with the Paramount Power. But such an extremist and ultimate position is unnecessary to take and unjust to the framers of the treaty clauses of Mysore - the great British statesmen that were responsible for the Rendition. Hence I am in complete disagreement with the interpretation put by the majority of my colleagues in para 105 of the Report. I am of opinion that absolutely no difficulties are created in the way of full Responsible Government by the existence of paramountcy relations. It is necessary to dilate upon this point further and go into the full history of the case by quoting several passages from the correspondance that led up to the treaty in 1881.

68 In a letter dated 11th March 1862 the Viceroy wrote to the Maharaja as follows regarding the Rendition of the Mysore territories:-

" The obligations of the British Government to the people of Mysore are as sacred as its obligations to the Maharaja ---------- It is equally alive to its obligations to the people of Mysore, and to the responsibility for their prosperity and welfare, of whcih it cannot divest itself. It has been, and will continue to be, scrupulously just to both the parties".

The Maharaja of Mysore in a Kharita dated 25th January 1865 wrote as follows:-

" If, then, the only object of the Government is the prosperity of the people of Mysore, and if that prosperity can be guaranteed by the continuance of the present system, then my restoration can in no way clash with the truest interests of the country".

To this point the Viceroy replied as follows in his letter dated 5th May 1865.

" Your Highness asserts that if the administration of the country were restored to you, you would maintain the existing form of administration under British functionaries; but such an arrangement would never work satis --
- factorily.

The Maharaja wrote to the Viceroy as follows in his Khar
dated 4th July 1866.

69

" I have learned that the possession of absolute power is
and undesirable possession for any man;and I have observed that al
unskilful use of absolute power in early life has been severely b
British Government is careful to entrust no such prerogative to
functionaries from the highest to the lowest.Every officer,civil
every magistrate,including even the monarch,is ruled and guided b
To this great method of established law and order,in financial,judicia
administrative affairs,I should wish my Government to conform,and I am
and willing to bind myself and my successors to rule in obedience to such
regulations and ordinances as in the first instance and from time to time
may be approved by the protecting power"

70

The Secretary of State (Stafford H.Northcote)while communicating
the decision of Her Majesty's Goverment to the Viceroy to restore the
territories to the Maharaja writes in his command paper dated 16th April
1867 as follows:- (para 5) " In considering the stipulations which will
be necessary to give effect to this arrangement,I have,in the first place
to observe,that Her Majesty's Government cannot but feel a peculiar
interest in the welfare of those who have now for so long a period been
subject to their direct administration ,and that they will feel it their duty,
before replacing them under the rule of a native Sovereign ,to take all
the pains they can with the education of that Sovereign;and also to enter into
a distinct agreement with him as to the principles upon which he shall
administer the country ,and to take sufficient securities for the observance
of the agreement ---------- - - - - - - - - - - (6) " It will be the duty
of the British Government - - - - -to enter into an arrangement
with the Maharaja for the purpose of adequately providing for the
maintenance of a system of Government well adapted to the wants and
interests of the people"

In the Government of India despatch to the Secretary of State
22nd May 1879 the Viceroy and Members of Council have observed as
ws:-

" We have also decided,subject to your Lordship's approval,that the
al Government of Mysore shallbe consituted upon certain essential

be convenient that in the present letter we should begin by explaining the grounds upon which we have come to our conclusions regarding the future constitution of the Mysore State, and the necessary limitations to the personal authority of its ruler.

(para 2) " In the despatch which communicated to the Government of India the decision of Her Majesty to maintain the family of His Highness the Maharaja upon the throne of Mysore, the Secretary of State laid stress upon the peculiar interest felt by Her Majesty's Government in the welfare of the inhabitants of that State, who have for so long a period been subject to direct British administration. It was affirmed to be the duty of the Government to enter into a distinct agreement with the native ruler regarding the principles on which he should administer the country: and, before confiding to him the administration, to make adequate provision for the maintainance of a system of government well adapted to the wants and interest of the people. We have followed these authoritative instructions in framing the scheme of administration which we think best calculated to assure the stability of the Maharaja's rule, and the prosperity of his people.

(para 3) - - - - - - - - All such fundamental ~~curious~~ axioms of Government as are recognised in British India and have been for many ~~yeras~~ years extended to Mysore, will, with the modifications rendered necessary by the ~~trans~~ transfer of jurisdiction, continue to be binding upon the administration of His Highness the Maharaja.

(para 4) - - - - - - - - - - - - - - - - It is necessary to maintain the dignity and comparative independence of His Highness, by reservin to him personally some substantial share in the actual direction of the ~~affair~~ affairs of his state; remembering that in the great majority of the States in India the Chief's authority is by theory, though not actually, unlimited. But ~~this~~ this consideration has to be subordinated to the still more essential necessity of providing before-hand some positive guarantees and checks against the consequences which would follow any serious misuse of the Chief's power through inexperience, through an unfortunate disposition, or under the advice of bad counsellors. And we have also ~~sought~~ to apply to the supreme controlling supervision of the Government of India, that, while the constitution, framed with these objects, shall continue effectively to fulfill them, the Prince and his Government shall not feel themselves kept too closely under tutelage and restraint

Para 5. Under these conditions, our first object has been to surround the Maharaja with counsellors and high officials of known ability and experience, and to establish such methods of transacting public business as shall ensure ~~xxxxxxxx~~, every step being taken after deliberation and under distinct responsibility. We have consequently decided to constitute a Coucil of three members, under the presidency of His Highness the Maharaja, - It will be the duty of Coucil to deal with all ~~the~~ the most important measures connected with the administration; with all propositions (for example) which involve reference to the Governemnt of India, - - - - - - - - - - - - - - The concentration of the executive authority over all departments in a Native State in the hands of a single high official is known by experience to be attended with risks and disadvantages.

Para 6. Your Lordship will ~~xxxxx~~ observe that the Chief Commissioner proposes to suplement the executive Council by a (~~deliberative~~ deliberative assembly to be composed of representatives leading classes and interests of the state; - - - - - - - - - - - - - - - - - - -

arbitrary inter-position by the Supreme Government to remedy the consequences of such misrule, it is expedient to avail ~~avil~~ ourselves of every opportunity of placing some reasonable limitations upon the personal power of the ruler, or of the Minister, to whom the administration may be entrusted.

- - - - - - - - - - - - - - - - - If the application of these principles to Mysore be approved by Her Majesty's Government, they may form the groundwork ~~ground work~~ of a settled policy which will guide the Government of India in the general discharge of its responsibilities toward feudatory ~~feudatory~~ States.

Para 72

~~Para 2.~~ J.D.Gordon in his minute to the Government of India ~~of dissent~~ on the 10th Feb 1879 states (in para 2) that ," These principles contemplate the taking of adequate guarantees from the Native Sovereign ~~Soereign~~ for the continued good government of the Province, in a manner adapted to the advanced ideas of right which the people have attained to under British rule."

(Para 3.) "The above may be regarded as the essentials of a consitution for a Ntive State, which may fairly be insisted on in the engagement to be concluded between the British Government and the Maharaja, preparatory to the restoration of the Province, and in respect of which no alteration of a material kind should be allowed, without previous approval of the Goernment of India."

(Para 11.) "As regards the Native Ruler himself, it is doubtful whether he should be required to assume ~~assure~~ the burden of personal administration. Having regard to the inevitable imperfections of Chiefs succeding to, power by hereditary right, and to the difficulties attendant on fixing on them the x responsibility for the acts of the Government, it may be desirable that he should not take upon himself too much of the details of administration.

Para 73

~~The Secretary of State wrote to the Governor-General of India on 12th August 1880~~ BRE

~~(Para 18.)~~ - ~~It is no doubt right that the Maharaja's official advisers and chief ministerial officers should have a voice in all important deliberations affecting State affairs, but it is no less desirable that the chief authority and ultimate responsibility should rest solely, as well as lovally, with the ruler of the State.~~ BRE BRE BRE

(Contd.)

para 7.3

It was only after fully settling the priciples as enunciated above that the clauses of the treaty were drafted. The following conclusions will emerge on an analysis of the above correspondence culminating in the treaty.

(1) That the Maharaja's obligations under the treaty relations arise on account of the " Sacred onligations " of the pramount power to the people of the state.

(2) That no fixed system of Government to be settled once and for all time by the treaty was contemplated, but only a system well adapted to the wants and interests of the people was thought of.

(3) That the possession of absolute power is dangerous and undesirable whether for the monarch of for the hgihest officers and that the authority of the Maharaja as also that of the ministers are to be limited. In other words limited monarchy was to be the form og government for Mysore.

(4) That the treaty was to be regarded as something in the " nature of a consitution " for Mysore resting upon the fundamental principles that adequate guarantees are to be taken for the maintainance of good Government, in a manner adapted to the advanced ideas of right attained to by the people under British rule.

(5) That the assimilation of the system of Government in Native States to that of the system in British Indian Provinces is essential not only for the preservation of the states but also to ensure freedom from intervention on the part of the Paramount Power in the internal administration of the States.

(6) That limitation of the power of the monarch was proposed to be done by the establishment of the executive council, which was to be supplimented by a legislature or deliberative assembly.

(7) That the treaty requires the strict observance of certain essential principles and it is only to ensure such obervance that a provision was introduced whereby any material alterations in the system were to be made by regular and formal processes with the concurrence of the Paramount Power.

(8) That any retrograde step towards absolute personal rule would be aginst the treaty, while any such step as tendency Responsible Government, which further ensures the carrying on of a Government well adapted to the wants and interests of the people and to their advanced ideas of right, would be perfectly in accordance with the treaty relations .

The question of the concurrence of the paramount power ~~Government of India~~ now needs further ~~further~~ examination.

Para 74

My colleagues have drawn attention to the article in the press writen by Sir. Albion Banerji - former Dewan of ~~Mysore~~ Mysore - revealing that the approval of the Government of India was necessary to introduce the Reforms in 1923. ~~This simply confirms the view that generalisation that~~ Since the Government of India did give their consent, it only confirms the view that the treaty does not impose any sort of limitations upon the political development of the people. Not a single instance of the Paramount Power having obstructed proposals for constitutional Reforms including the grant of full Responsible Government has yet been pointed out. No ruler of any full-powered state has till now sought the advice of the Paramount Power in this respect. Under these circumstances it would amount to taking shelter under Paramountcy relations to point out ~~to~~ those relations as standing in the way of the establishment of full Responsible ~~Geernmnt~~ Government.

75

I am of opinion that the pronouncements of the British Statesmen Earl Winterton, Col Muerhead and Lord Zetland clearly poin out that the British Government will not stand in the way of grant of full Responsible Government.

76

In my opinion the lnterpretation put upon Col Muerhead's second statement by my colleagues is not correct.

Col Muerhead's Statement (Para 103 of the Report)	The interpretations put upon this Statement by my Colleagues. (Para 105 of the Report)
1. "It is not to be inlied that the Paramount Power would ~~xxxxxxxx~~ recognise a Ruler as having endowed any consitutional body, which he may create, with a greater degree of authority than that which he himself is recognised as possessing."	1. "It is now obvious that no ruler could divest himself of his treaty obligations and ask the Paramount Power to deal with a popular Government of his own creation but not responsible to him in the first instance."
2. "No state would be regarded as relieved of its obligations to the Paramount Power by the fact that the Ruler has divested himself of the control necessary to dicharge them, and the Paramount Power would remain free to take such steps as might be required to ensure their fulfillment."	2. "If then the Ruler himself is to be responsible to the Paramount Power to any extent, he must necessarily retain effective powers for the purpose, and he must also have the means ~~to~~ of enforcing them."

77 In the first sentence, in my view, Col Muerhead ~~simply~~ simply states that any consituted body, created by the prince cannot be endowed with a greater authority than that possessed by the prince himself. This does not mean that there is any bar to the Prince endowing such a consituted body with as much authority as he does possess.

78 It also means that by the advent of consitutional body within the state the powers retained by the Parmount Power over that state are not to be deemed to have diminished to any extent whatever.

79 Col. Muerhead very carefully and significantly uses the word "state" instead of the word "Ruler" in the second sentence of his statement. It is the State that owes certain obligations to the Paramount Power. At present the Ruler is the channel for the discharge of those obligations. If the Ruler shares his power with his people, this channel will change in form and Col. Muerhead emphasises that this change would not imply the loss of any of the rights of Paramount Power over that State. The obligations are those of the State and not of the Ruler personally. And they would be discharged in future by the Ruler with the fullest assent and cooperation of the People instead of the Ruler-in-Person, as at present.

80 The observations of my colleagues (in Para 105) about the breakdown of the constitutional machinary deserves attention. In the first place there would be no such a breakdown when Responsible Government is established. Responsible Government implies a high degree of intelligent and earnest popular interest in the political affairs of the country and the people when once they taste power and responsibility will be much more jealous of preserving their rights and previleges and good Government than individual Rulers endowed with unlimited power. In the second place under any such breakdown the paramount power would surely iterfere in their own iterests without anybody requesting them to do so. It is surprising why my colleagues want to be so very solicitious of safeguarding the rights of the Paramount Power when these obligations of the Ruler to the paramount power arose on account of the "Sacred obligations" of the paramount power itself towards the people of a native state.

81 My colleagues state that the ruler must retain within himself and without sharing them with the people, effective powers, for the due discharge of the Paramountcy obligations. Then I should like to know who should be the Paramount Power in case of the misuse of those " effective powers " by the Ruler himself. In the result, I believe, the obligations to the paramount power will best be discharged under a system of Government in which the Ruler has the fullest consent and cooperation of the people.

82 Correctly interpreted Colonel Muerheads second statement now makes it plain that a Responsible popular ministry can come into existence in the states. Such ministers will be bound to discharge the treaty obligations in the same manner as the prince used to discharge them till the ministry did come into existence. What Col. Muerhead emphasises is that such a popular ministry

ministry cannot repudiate the treaty. If it does so, there will be intervention on the part of the Paramount Power.

83

I am of opinion therefore that the immediate establishment of Responsible Government in Mysore is not against the treaty in any way.

~~In fact I was not for discussing the treaty relations in the Report. Since however my views did not prevail and the majority of my colleagues thought it necessary to go into that question I had to place on record my opinions on the treaty relation.~~

BRe

BRe

BRe

BRe

BRe

~~Continued on sex~~

BRe

~~In the Committee itself I expressed my opinion that discussion of the treaty relations~~

BRe

(Continued on next page)

84

It is quite possible that these discussions on Paramountcy relations whether carried on by me or by my colleagues are liable to be regarded as too ~~legislatic~~ legalistic. When in international relationships the understandings and treaties arrived at yesterday are being openly repudiated to day, is there any use ~~confirming~~ confirming disscussion to century old treaties.? England was then in the process of consolidating her power, while to day she has to maintain her consolidated power against aggressive and powerful Dictatorships. Unity within her ranks and fullest co-operation from the Dominions and British India and the Native States are necessary for the very existence of Britiah power on earth. And everyone that cherishes the ideal of democracy will give his assistance to Britain in ~~this~~ her hour of trial. But on one condition. This assistance shall only be to the best aspect of British rule: viz. Democratic and not to the Imperialistic aspect. When allied to the Imperialistic aspect alone the ~~states~~ Rulers of the States can oppose democratisation of their administration and incur their subjects' displeasure. But if the treaty relations with a great power like England comprehend the Ruler as well as his subjects, then the highest and noblest aspect of British Rule alone can be the ~~commentry~~ cementing force ~~fx~~ of the Paramount Power with the peoples of the native states through their rulers. That democracy is the highest and noblest aspect of British Rule, none can gainsay. It is only when the British becomes synonymous with the Democratic that the Paramount power can remain paramount in British India or with the peoples of the Native States. Hence if the States Rulers in India do sincerely cherish a desire to serve the Paramount power, democratisation of the States' administrations will be truly the highest service that they can render to the British Empire, especially at this critical hour ~~hour of need~~. It is only by standing up to the noblest ideals of British Rule that the " treaty obligations " with the Paramount Power can be fully discharged in a civilised sense. Any other view that reduces the states peoples into ~~the~~ a servile ~~slave~~ status is a relic of barbarism and ~~[illegible]~~ deserves repudiation in the interests of the Paramount Power as much as in that of the states peoples.

(Continued on next page)

Sovereignty in Mysore ; Seal Theory.

~~88~~ 85

I am in ~~the~~ fullest agreement with the opinions expressed by my colleagues in para 107 of the report that the traditions of Hindu Dharma and theories of Sovereignty based upon such traditions are not ~~only~~ only not opposed to the democratic ideals but are ~~through~~ thoroughly consistent with them. I am also in agreement with the view that a scheme of Constitutional Reform could only be introduced by means of a devolution of powers from the Maharaja. I would only add that it follows logically that such a devolution of powers may extend to the extent of establishment of Responsible Government under the aegis of the Maharaja.

BRG (Continued) next page

~~Seals Theory of Sovereignty~~

Majority Rule and Provincial Autonomy at work in British Indian Provinces

86

~~89~~ My colleagues have come to the following conclusions:- cf (Parell's Report)

(1) That Responsible Government in British India may not develop on the original British model. (2) That a single dominant party whether political or communal would be ruling and real democratic liberty would be absent. (3) That illiteracy and ~~communism~~ communalism make the difficulties greater and it would be futile to copy the British model of Responsible Government ~~xxxxx~~ in its entirity. (4) In order to prevent the capturing of power by a single dominant party it would be wise counsel to hasten slowly without introducing immediately Responsible~~x~~ Government in Mysore.

~~90~~ 87 In disagreeing with the above conclusions I have to record my dissociation from ~~with~~ the observations made by my colleagues regarding the working of the Provincial Autonomy in British India. Communal differences are no doubt an unhappy feature of the public life in some provinces. But to charecterise all the Provincial Governments~~x~~ as either Hindu or Muslim as my colleagues have done is certainly to paint the picture dark ~~purposely~~ with a purpose. Not that such a narrow view is not taken by extreme communalists in British India. But we in the native states ~~form~~ from our position of happy isolation from communal animosities can view things dispassionately. It is only in two Provinces in British India, ie. Punjab and Bengal that~~t~~ the ~~Ministers~~ ministries are generally termed Muslim League ~~ministers~~ ministries even though they contain Hindu Ministers in them. As against this the ~~ministeries~~ ministries in Sindh and N.W.F. Provinces are definitely not identified with the communal organisations of the Muslims, though the population there is overwhelming Muslim. In N.W.F. Province a Congress coalition Ministry is working. In Sindh a Congress coalition ministry is not improbable. In the rest of the Provinces, Congress Ministries are in existance even to this day. They contain Ministers of all Communities ~~classes~~ - Christians, Muslims, Hindus, Brahmins, Non Brahmins ~~in them~~ and to dub the Congress ministries in these provinces as purely Hindu ~~of Muslim according to the province~~ would be to shut ~~xxxx~~ one's eyes to glaring realities. The Hindu Mahasabha has not been able to capture even a single ministry in any of the Provinces. ~~If~~ In a Province which has a predominant Muslim population nothing is more natural on earth than that~~t~~ the Congress organisations in that province should contain a predominant Mslim element ~~in it~~. Similarly with respect to a Province where the population

population is predominantly Hindu.Such a state of affairs in no way militates against democratic notions.But my colleagues observe that there is atleast a risk that the form of Responsible Government will be used merely to place in power representatives of the majority community". Does this mean that democratic standards require that in every Province representatives of the minority communities alone must be placed in power ? I hope not. Let us remember that Democracy is identified neither with tyranny of the majorities nor with the oligarchy of the minorities.

88 As my colleagues have observed the Indian-National Congress does no doubt lay a claim to represent the whole nation.It is the one organisation in India which is representative of all communities and alive to the interests of all classes including if I may say so the princely class too.This is proved by its past history and present activity.Against overwhelming odds it is striving to build up the democratical structure in the Country.My Colleagues have pointed out the difficulties created by the presence of castes and communities etc.But there is the prime difficulty presented by the existence of a foreign bureaucracy. As against that formidable power the nation has got to be united and strong: otherwise national democratic rule is an impossibility.Hence one national organisation to wrest power from the bureaucracy into the hands of the people is a democratic necessity under the present circumstances of India.This has naturally drawn very large sections of the populations of India into the fold of the Indian National Congress. This explains its predominant position in the Country.But to conclude thereby that the Indian National Congress is ignoring either the existence or the possibility of any opposition parties,as my colleagues have done,appears to me to be a too uncharitable conclusion.On the other hand the charge has very often been levelled at the Congress that it is too susceptible of the opposition of the minorities in the provinces and that it has yielded far too much to their demands at the sacrifice of the legitimate iterests of the majorities.

89 How finally the genius of India will adapt the British democratic institutions to her own conditions and evolve a type native to the soil and thus make a new contribution to civilisation it is yet too early to say.The creative genius of India may not imitate the British model in every respect.Whether democracy is suited to the genius of India or not are all futile speculations of no practical value. Democracy has come to stay in India. One may as well go on speculating whether the railwyas are suited to the village life of the nation. But the Railways have come and the goods of all the villages are moving in all the

~~the~~ directions. It would be wise national policy to direct the ~~nation~~ national energies to nationalise the Railways rather than leave them to be exploited by foreign interests. Similarly with repect to the Political and Economic developements. The problem is not to build new institutions. The British have built up institutions in India that affect the life of the people very intimately. To democratise these institutions is a life—breath necessity to the people of India.

90 In drawing lessons from the British Indian developements for the native states my colleagues have confined their attention solely to communal developements. But we must remember that it is not nationalism ~~is not~~ alone that is combating communalism. In the wake of the repeated failures of attempts at bringing about communal concord, other forces have slowly but powerfully risen to the surface of the political life of India. Socialism and Communism are now capturing the imagination of the masses. An appeal based upon hunger and clothing is bound to be more powerful to the toiling millions than any that is based upon religion.

(one para)

94 In the conditions of India dictatorship can never hope to be an alternative to democracy. But communism is a possible alternative. It would be in the best interests of the native states to democratise their institutions and thus be a powerful bulwark against communism. The princes are the custodians of the culture of India. Already discourteous references are being made to their order by communists and socialists. Introduction of Responsible Government in the native states is an urgent necessity, so that tolerant democratic ideas and not its intolerant alternatives do take firm root in the states peoples minds.

~~95~~ 91 As regards the dominance of a single party, to which my colleagues have referred, the longer the delay in the introduction of Responsible Government in a state, the greater does the necessity arise for united strength on the part of the people- with the inevitable dominance of a single party. If ~~however~~ the present opportune moment is availed of by immediate ~~immediate~~ introduction of Responsible Government in Mysore, there is every possibility of a two party system coming into existance on the British Parliamentary model itself. It is of happy augury that another non-communal party called Praja Parishad has come into existence with the same objective ~~object~~ as that of the State Congress. The difference lies in the methods of achievement of the goal. It is possible that different policies will begin to be associated with the two organisations and between them they would be representative of all sections of the people of Mysore.

At this stage it is necessary to consider the problem of the minorities in Mysore fully.

The Problem of the Minorities in Mysore.

92

92

In para 109 of the report my colleagues state as follows:-

" The fact that in India groups are mainly ranged on communal lines makes the protection of minorities the one problem that democratically minded constitution builders have to grapple with ----------In our Committee the memoranda received and the witnessess who have dealt with this topic, especially the representatives of the Muslims etc., are unanimous that the safeguarding of their interests could only be done by the Sovereign and that he must therefore retain real and effective powers in this behalf" And in para 93 of the report the views of the Central Mohammedan Association and the Muslim League in Mysore are set forth and their opposition to Responsible Government is indicated. In order to fully appreciate the Muslim point of view it is necessary to go into some deatil into the matter.

93

The nine points of the Muslim demands in Mysore are as follows. (Culled from the memoranda received by the Committee)

(1) In the Police and the Military the Muslims demand fifty to sixty percent representation.

(2) One seat in the Executive Council to be reserved for Muslims ie. 25 % reservation in the Executive Council.

(3) 13 % of seats to be reserved to them in the Legislature.

(4) One seat to the Federal Council and two seats to the Federal Assembly to be reserved to Muslims. ie. nearly 33 % reservation.

(5) Thirty-three percent of the appointments in the Public Services to be reserved for Muslims.

(6) Urdu also to be the official language of the State along with Kannada.

(7) The Muslim minister to be chosen by the Maharaja out of a panel of names submitted by the Muslim members of the Legislature and removable at the pleasure of the Maharaja as also on a vote of no-confidence moved and passed by a specific majority of the Muslim members alone ~~(Similar provision for the Hindu members too)~~.

(8) Separate electorates to be introduced .

(9) One third of the appointments to be reserved for Muslims in the Industrial and Commercial institutions of the Government.

94

It is clear from the above that while the Muslims are opposed to the immediate establishment of Responsible Government, they want the above Safe-guards" and weightage in the Legislature, ~~and~~ Services, ~~and~~ the Army and the Police and the industrial and commercial establishments of the State. Muslims in the State hardly form six percent of the population

population and the grounds of their claims are the following; as culled from their memoranda received by the committee.

(a) Muslims played a conspicuous part in the development, expansion and growth of Mysore from a small State to one of the biggest and most progressive units of IndianIndia.

(b) They have remained loyal to the Ruling dynasty of Mysore through the many vicissitudes which the State has passed since the last one hundered and fifty years.

(c) They are historically and politically an important community in Mysore.

(d) Their meritorious services to the state in the past, including those rendered during the Great War, when Muslims made enormous sacrifices to exalt the name of His Highness.

95

I would examine the grounds one by one in so far as these claims affect the position of other communities in the State.

(a) Obiviously this refers to the reign of Hyder Ali and Tippu Sultan in the 18th century. But the rightful ~~real~~ Sovereigns of Mysore were the fore fathers of the present Hindu Maharaja and the present territory of Mysore is almost equal to that held by the Hindu Monarchs before the coming into power of Hyder Ali and Tippu Sultan. Whatever territory was newly acquired by these Muhammedan Rulers was distributed between the English and the Nizam of Hyderabad after the battle of 1799. Hence the present territories are equal in extent to that which the ancient Hindu dynasty held prior to the coming into power of Hyder Ali. In support of this ~~xxxx~~position I wish to quote here the Kharita of Sri Krishanaraja Wodeyar III to the Government of India before rendition of Mysore. It is interesting to note that at one time ~~attem~~ one of the reasons advanced to oppose the rightful claims of Krishnaraja wodeyar III was that almost all the present territory of Mysore was ~~acqu~~ the Conquest of Hyderabad. This argument was very successfully refused by Krishnaraja wodeyar III

Kharita 20th April 1862 of Krishnaraja wodeyar III to Government of India.

" Lord Canning truly states that the territory ceded to me in 1799 comprised districts over which my ancestors never ruled, but he omits to add that their kingdom, though differing in its limits, was hardly less extensive than that which the allies assigned to their decendant. Compensation was given in the north for districts not restored in the south." The limits were fixed for military reasons, and the boundary was removed northwards, in order that the British might hold the keys of the ghauts".

Kharita 25th Jan 1865 of Krishnaraja wodeyar III to Government of India.

" In the selection of a Sovereign for the new kingdom, the choice was equally decided in my favour. The family of Tippu, besides its necessary animosity to the East India Company, had no hold upon the affections of the people of Mysore. Its usurpation was recent, and its rule had been oppressive. On the other hand, my family had only ceased to reign, in 1759, and even after that date Hyder Ali considered that ~~the~~ he derived additional security from continuing the old dynasty as nominal Sovereign. My father, the last of this series of titular kings, died in 1799; hence, in the selection which was made,

made, the East India Company secured a Sovereign who owed everything to the British, and who brought with him the loyalty of his people. Further, the Mahrattas were conciliated by the erection of a Hindu in place of a Muhammedan dynasty."

Let me here state that The Hindus of the State regard Hyder Ali and Tippu Sultan as Mysoreans and not foreigners. The conquests of Hyder Ali and Tippu Sultan were made possible by the money contributed by the Hidu merchants and Ryots of the time. Hindus were soldiers too in their army and did give up their lives under their banner.

96 (b) Hindus in the State have been loyal to the Hindu Ruling dynasty throughout all these centuries and there is no reason to deprive the Hindus of thier legitimate due. No favouritism is called for or is to be tolerated. Loyalty does neither set nor ask for a price.

97 (c) Hindus are politically and Historically more important in Mysore than other communities since from time immemorial they have been Sovereigns of the land despite a short break in the 18th century.

98 (d) The services of the Hindus during the last war was greater than that of the other communities. Out of the 75 lakhs of rupees contributed to the war fund 94 % may be regarded to have come from the Hindus of the State in proportion to their population strength.

99 The above will show clearly that the aspirations of the minorities to obtain a sovereign position over the Hindus in Mysore cannot be made a ground for opposition to Responsible Goverment under the aegis of the Maharaja. Just as any similar ambitions if nurtured on the part of the Hindu minority in Kashmir (where Muslims are in a majority) cannot be favoured, similarly the ambitions on the part of the Muslim minority in Mysore ought not to be fanned or supported. All communities in Mysore can play a wothy part in loyal service to the Maharaja and patriotic service to the state and India under a sysytem of Responsible Government alone. Favouritism to any community will not be in the best interests of the State. There must be equal opportunities for all and no nepotism, even by statutory recognition. Hence the opposition of minorities must not be made a ground for denying Responsible Government to the people as a whole, since such a system of Government means power for the minorities as well the majorities.

100 In this light the Muslim "charge sheet" against the Hindus of the State is unjust and unfortunate. The following are some of the samples :-

(1) " So far as the policy of H.H. the Maharaja of Mysore is concerned, it has always been unprejudicial to Muslims. But there are some elements in the State

State that ~~the~~ possess the mentality of the Mahasabhaites in British India. They have been persistantly adverse to Muslim interests. They never let go any opportunity to undermine even the legitimate rights of Muslims, and ~~where~~ wherever possible they have mercilessly deprived the latter of their due ~~share~~ share. Some of the so called leaders of the Mysore State Congress are quite hostile to the Muslim community and its interests. They stand in the way of Muslims in public services. They do not like the advancement of Muslims in any field, even that of education. One of them went to the extent of audaciously proposing total abolition of Urdu Schools. During the recent riots in Channapatna and its vicinity, these elements had an active hand. In short, inspite of the just and benign policy of H.H. the Maharaja, it is painfully observed that Muslims are being made victims of narrow-minded partiality. (Memorandum Submitted by Anjuman Association Cantonement)

(2) Musalmans of Mysore have reasons to believe, nay, they are convinced ~~beyo~~ beyond the ~~shand~~ shadow of a doubt, that those who are agitating for Responsible Government are anything but nationalists. Their sole object is to advance their selfish ends ~~then~~ when power is transferred to them. - - - - - - - - - - - - - - - - - - They ~~threfore~~ therefore suggest that the constitutional reforms that may be granted should not leave the minorities, particularly Musalmans to the tender mercies of a hostile and fanatical majority which may ~~ruthelessly~~ ruthlessly trample on their just rights and deprive them of the previleges and immuities which they are at present enjoing. - - - - - - - - Musalmans as the most important minority in Mysore, are awakened enough to pay heed ~~to the~~ to the most disastorous effects that are likely to be produced in case our great Maharaja delegates even some of his ruling powers and proceeds to entrust the destinies of 65 lacs of his beloved and loving people to the care of a party, imbued with communal bias and jealousies, whose leaders may come to power all on a sudden by the ill considered voted, mostly of illterate and easily misguided persons. (Memorandum Submitted by Central Mohammedan Association Bangalore.)

(3) The administration of District Boards by non-official presidents belonging to the majority communities has shown that public interest has suffered considerably on account of their negligence, maladministration and subversive tendencies, and that the minority communities are subjected to tyranny at the hands of the majority. (Mysore Muslim Leage Memorandum)

101 ~~108~~ If the Muslims are to get 60 % strength in the Police and the military and a considerable and effective ~~strength~~ strength in the

the public services and industrial concerns and weightage in the Legislature and Executive Council it will be clear that they will be occupying a supreme position of vantage and the majorities will have to live in perpetual fear of the strength of the Muslim minority in the State. The opposition of the Muslim minorities to the immediate establishment of Responsible Government, to which my colleagues have drawn attention, is therefore ~~is~~ understandable.

But, who really is it that maintains the Government at present in Mysore ?.Taking even a communal ~~minister~~ view of the matter 94 % of the population are Hindus. Naturally the income of the State comes from the Hindus in this overwhelmingly large proportion. Will it be " Dharma " to oppose the just and legitimate aspirations of the people as a whole on the ground of the unsustainable and exaggerated demands of the minorities ?.

In the result, the establishment of Responsible Government in Mysore ought not to be delayed on the ground of the opposition of minorities The latter wish to entrench themselves to exploit the majorities in a Sovereign position. And yet the memoranda submitted on behalf of ~~the~~ some of the Muslim Associations of the State dub the Hindus as " fanatical " and " tyrannical ".!

I have built up the argument on the strength of the memoranda ~~submitted~~ presented by some of the Muslim Associations and the historical facts referred to by them. But in reality there is no such animosity between the Hindus and Muslims of the State. There is an age-long tradition of Hindu Muslim concord. Though it will be the duty of the Hindus to oppose any claims that are detrimental to the best interests of the State, their toleration shown to all minorities is proverbial and carried almost to a fault. The Rulers of Mysore and the able Dewans have all from the beginning built up excellent traditions of a most tolerant administration, that has been the admiration of one and all. The present saintly Ruler and his adviser Sir.Mirza M.Ismail have strengthen the old traditions and built up new traditions of toleration and good will.

The Declaration of ~~the Goal of~~ Responsible Government.

105

I have voted in favour of the final formula for Responsible Government with some modifications. According to me The formula would ~~then~~ read as follows:-

" The objective to be kept in view in all constitutional Reforms in Mysore should be the Establishment of a system of Responsible Government under the authority and protection of the Sovereign ,ie,a system in which the administration is carried on by a cabinet of ministers appointed by His Highness the Maharaja and enjoying ~~enjoing~~ the confidence of His Highness and the support of the legislature;the powers of His Highness to ensure peace ,order and good Government,to safeguard the interests of all classes of His Highness's subjects,including the minorities remaining unaffected and supreme in all circumstances.

106

The portions omitted by me are the following :-

(a) " As well as to satisfy the terms of the Treaty with the British Government"

I am against this clause being introduced.Some people think that Treaty Relations come in the way of introduction of Responsible Government.Though I am of a different opinion ~~view~~ I feel that the formula must not contain anything ambiguous and it should not give any handle to the opponents of Responsible Government.Moreover the Treaty obligations would be ~~more~~ satisfactorily discharged by the ~~Maharaja in legislature~~ Parliament in Legislative Assembly ~~Parliament in Mysore than~~ by the Maharaja in person ~~alone.For these reasons where~~ with the fullest cooperation and consulting his subjects. ~~I have opposed the insertion of the above clause.~~

(b) " and the stages of progress towards the Goal being determined by His Highness according to the measure of success attending the working of each stage"

I am for the immediate establishment ~~introduction~~ of Responsible Government. My reasons for this view are stated in the other parts of this note. Hence I am for the omission of the above clause from the formula.

There is also another important reason.The insertion of such a clause would result in pitching the Sovereign against his subjects. Even if Responsible Government should be by a gradual process in Mysore further stages of progress should be determined by H.H. the Maharaja ~~in Parliament (in Assembly)~~ Legislative with the fullest consultation with and the cooperation of his subjects. ~~in Mysore and not by the Maharaja in person.~~ This arrangement would be in perfect accord with the identity of interests between the Ruler and the Ruled and would avoid all conflicts for all time to come in Mysore.

With these omissions I am sure that the formula would be wel-come to all the parties in Mysore - those that want immediate establishment of Responsible Government as also those that advocate a gradual developement.

(~~Continued on next page~~)
DJRS

I shall now indicate my views on the specific recommendations of the Committee, section by section.

(continued on next page)

Specific Recommendations of the Committee.

Section I

107

Representative Assembly.

According to the proposals of my colleagues, both the Assembly and Council are to continue, though not under a bicamarel system. In my opinion a single house of legislature is sufficient in the circumstances of Mysore, as has been admirably pointed out by Mr. M.A. Govindaswamy Iyengar in his memorandum, but if it is decided to retain both the Houses the Assembly should be given its proper place. The time has now come for giving the popular assembly " the position of commanding influence and power " that naturally is its due.

108

Procedure in respect of bills.

I am also of opinion, as expressed by the majority of my colleagues, that the powers of the members should not be confined to discussion of general principles underlying a Bill, but should extend to moving amendments to any of the clauses of the Bill. It is necessary to permit amendments of clauses also, as otherwise, occasions may arise when those who are opposed to any particular clauses may be forced to vote against the entire Bill itself.

109

Effect of Assembly's opinion.

I am emphatically of the opinion that if a majority of the members of the Assembly, present and voting, are opposed to any Bill or to any of its clauses, the verdict of the Assembly should be given effect to. The Assembly is looked upon as the potential House of Commons for Mysore. Its importance has risen very high with the growth of Political consciousness. It will be in harmony with the trend of developments in Mysore if its verdict by a majority of the members present and voting is accepted. My colleagues are of opinion that it is the verdict of the two thirds of the total strength of the House that should be binding. As it will rarely be possible to have such a majority, Government will tend to grow indifferent to the opinions of the Assembly and members will not have a live interest, in its deliberations. All this will inevitably lead to greater cleavage between Government and the peoples representatives; and any powerfully organised party will try to catch almost all the seats in the Assembly, killing all independent and fearless opinion in the country, since as against the Government the people will have to be united and strong and well organised under a single party, to secure in the assembly a strength of more than two thirds of its total members.

A Bill thrown out by the Assembly should not be placed before the Legislative Council at all; Government should be free to re -introduce it before the Assembly.

110 After a Bill is passed by the Legislative Council, it should finally be placed before the Representative Assembly once again, and must be sent to His Highness the Maharaja for assent after being passed in the Assembly. In cases of differences of opinion between the two Houses over specific provisions both the opinions must be placed before ~~Hisk~~ His Highness.

111 My view is that the final stage of all Bills should be reached in the Representative Assembly. My colleagues rejected this proposal, stating that the Legislative Council, may advance a similar claim and ~~then~~ that there will then be no end to the process of Legislation. I do not agree that the Council can make that claim. The Council cannot claim to be equal in importance to the Assembly. Let us make a comparitive study of the composition and representative character ~~fm~~ of the two Houses. According to the recommendations of my clleagues themselves, the number of elected members in the Assembly will be nearly seven times as many as those in the Council, the constituencies of the Assembly will be nearly eight times in number and its Electors ~~electorates~~ will be nearly three times as that of the Conncil. Hence any claim by the Council for finality in Legislation will be unsustainable. The popular House in which Bill makes its first entry should be also the final place for its exit for the assent of His Highness the Maharaja. The interval between the two events will be sufficiant for calm deliberation of Legislative measures. I would therefore prefer the final stage of Legislation to be reached in the Assembly. In such a process every piece of Legislation will have the added advantage of being backed with the solid opinion of the people - referendum of the Assembly.

112 Even ~~Sri~~ Sir Brajendranath Seal who ~~started~~ started the theory of Referendum cum Initiative function of the Assembly, had suggested a final feference to the Assembly in Legislative matters, and the placing of its opinion before His Highness (Para 84 page 35 Seal Report). He wanted to limit such course of action to cases of conflict of views between the Assembly and the Council. My suggestion is that it should become the normal feature, really consistent with the ~~Refrendum~~ Referendum functions of the Assembly. Since Government can ~~have~~ recourse to emergency regulations any delay that may happen in the process of Legislation as suggested by me cannot have serious effect

Excluded Subjects :-

113

I am unable to agree that there should continue to be any subjects excluded from the scope of the Legislature. I strongly differ from the view that such exclusion is a necessary consequence of the relationship of the Ruler with the Paramount Power. If the treaty relations are really interpreted in the statesmanly spirit that animated the great British Statesmen that drew up the conditions of the treaty, it will be seen that in a " Constitutional State " like Mysore there cannot be any subjects outside the scope of the Legislature. This being a matter of ~~very great~~ importance I am constrained to dwell on this topic at some length. The excluded subjects are under two heads: (1) External Relations (ii) Internal matters.

114

(i). External Relations. The Seal Committee made a short review of the nature of the relations with the Paramount power and other States i.e., External relations (Cf. pars 221, 222, 223) and their remarks in para 224 are of very great constitutional value. This ~~That~~ it will be seen that the matters so excluded are not what are usually comprehended under foregin relations; they are ~~are~~ external in form, but vitally affect the interaal administration of the State and its economic strength and financial stability; and what is equally important, the familiar old conditions with the assurance they brought with them are changing and changing in such a way as materially to alter the situation as well as all its elements and features ; the exclusions, therefore, may have to be revised with coming developments of that situation. In truth it is a common atmosphere that

surrounds all these Indian Peoples today, and it would be hardly possible to exclude them from the atmosphere they breathe."

115 This was the view held by the Committee sixteen years ago. But to day some of the developments envisaged by the Seal Committee are about to take place even ahead of their predictions. Federation, and not a Zollvereine (para 222 Seal Report) is looming ahead. When the hour has arrived to revise the question of exclusion, my colleagues have pressed the " Treaty Relations" themselves, as an argument for continuing this exclusion from the purview of the legislature even within the field of discussion and debate.

116 I have pointed out elsewhere that these treaty relations rest upon certain fundamental principles and not on arbitrary rules prescribed by the Paramount Power and that the articles of the Treaty were designed to be "as forming something of the nature of a constitution for Mysore ". The intention of the framers of the treaty was that the Executive Council to be set up to assist the Maharaja should be supplemented by a deliberative Assembly. Thus the legislature being an accessory development of the Executive Council itself, I am of opinion that it naturally follows that all those matters in respect of which the Executive Council tenders aid and advice to the Maharaja should also be matters which the legislature can discuss and tender its opinions thereon.

117 In the complex relations that have now come about due to Political developments in the British Indian Provinces

Provinces and the still more complex relations that may emerge after the coming in of the Federation, it will be of very great help to the Government if public opinion in Mysore is properly ventilated in its constituted bodies. Hence , resoltuions, interpellations and representations should be allowed,while legislation can be undertaken in the sphere of excluded subjects at the initiative of Government only.

INTERNAL MATTERS :-

118 The Ruling Family.

Even with respect to matters connected with the Ruling family, I am of opinion that there should be no exclusion so far as they may be deemed to be matters of public importance. The continued maintenance of the rights, privileges and dignity of the Ruling family are national duties falling upon a loyal people and they cannot be conditions prescribed by any treaty with the ~~Parampount~~ Paramount Power. The historic Ruling Family in Mysore is a great National Asset to the people who have been deeply devoted to its welfare and honourable position and stood by it in all its ~~Vicissitudes~~ vicissitudes in the past. Even after enjoying the benefits of direct British Rule for five decades, the people of Mysore were anxious to get back the Rule of this Ancient Hindu Dynasty . National festivals are observed for the expression of the spontaneous delight of the people with their Sovereign as the Centre of attraction and loyal devotion. This is the meaning of the Dasara Festivities and Durbars. The People delight in the glory of their Sovereign and it is reminiscent to them of the ancient glories of this Great Country.

Great Country. All this generates pride in the past - a necessary condition for future progress.

119 In Mysore there is an identity of interests between the Rulers and ruled. Removal of exclusion from the purview of the Legislature of matters pertaining to the Ruling family in so far as they are of public ~~impor-tance,~~ importance would make this identity of interests all the more real and strong and ~~tends~~ bind the Ruler and ruled in unbreakable bonds of loyalty and devotion. Hence even financial arrangements connected with internal matters with regard to the subjects excluded at present should hereafter come with the purview of the Legislature since they too have an intimate bearing on the economic strength and financial stability of the State.

120 DISCUSSIONS REGARDING CHANGES IN THE CONSTITUTION OF THE TWO HOUSES.

My Colleagues are of opinion that each House should have the Power to discuss not only changes of its own constitution but of the other House also, but have suggested that the Dewan's sanction might be made a requisite for moving such resolutions ~~relutions~~ as a safeguard "against this power being abused and the country being often thrown into a Political ferment". I do not agree that such sanction should be made a requisite. At present each House has the power to discuss its own constitution. The mere extension of this power to the discussion of the constitution of the other house also is not a step fraught with such serious ~~conse-quence~~ consequences as to make a restriction on this power necessary

On the other hand , I am of opinion that though any unnecessary restriction that may be imposed by the Dewan, there is greater possibility of dissatisfaction ~~dis-satisfaction~~ and consequent agitation and trouble. It is always safer to provide fullest opportunities for the representatives of the people to ventilate their views on the floor of the legislative houses. Resolutions being only recommendatory in form and effect, Government stands to benefit and not to lose, by knowing the views of members on ~~of~~ the constitution of the Houses also whenever members should feel it necessary to place them before Government.

(continued on next page)

Representative Assembly.

Financial Powers :-

121

Unless the Popular House is granted substantial powers in this respect, I do not think that there can be ~~said to be~~ much of constitutional advance. I am of opinion that the Budget must be submitted to the vote of the Assembly. The burden of administration can be borne ~~willingly~~ willingly by the people only when their representatives have a voice in determining it My colleagues have proposed that only Budget Resolutions on the major heads ~~of the Budget~~ may be permitted hereafter. This is not much of an advance on the present position at all. In defence of their view my colleagues have argued that permitting both the Houses of Legislature to vote on the Budget would lead to serious difficulties, as pointed out by the Seal Committee. I do not think that the difficulties are insuperable. It may even be provided that the Houses should hold a joint Session to consider the Budget. If this is found to be impracticable, I would prefer that the power of the Legislative Council over financial matters may be taken away. I am against the continuance of the Legislative Council itself; at any rate, even if there should be two Houses hereafter also, the Legislative Council should not continue only at the expence of effective powers for the Assembly.

Continued on next page

Ecluded Heads of Expenditure.

122 I am of opinion that there should be no head of Expenditure excluded from the purview of the Legislature.

123 (1) Palace including the Staff and Household of His Highness the Maharaja.

Mysore is one of the few States with a Civil list kept quite apart from other Public Expenditure. In the letter written by the Secretary to the Government of India, Foreign Department to the Chief Commissioner of Mysore on 9-11-1878 it has been stated " It will follow, moreover, that a clear distinction must be drawn between the private fortune of the Maharaja and the Public Revenues of the State, so that no appropriation of public money can be made otherwise than under the regularly constituted authorities entrusted with its expenditure. Complete accounts of the public expense should be rendered and subjected to competent audit. It would probably save the administration from some embarassment in the future, if on the Maharaja's accesion, a definite sum were asigned to meet the personal expenses of His Highness and his household, with reservation of power to increase the assignment in the event of a proportionate increase of the surplus revenues. This power, however, would be exercised under the sanction of an express enactment, which would fall within the class of Legislation requiring the assent of the Government of India."

The assent of the Government of India being no longer required for ~~this purpose~~ such legislation, I am of opinion that ~~concurrence of the~~ it would be a healthy convention to establish that expenditure under this head would be determined after ascertaining the wishes of the representatives of the people. ~~would be necessary for any increase of a proportion under this head.~~ This may be done at the beginning of each reign. There must be scope however for considering variations either when circumstances demand it or there is any serious economic distress in the country.

(cont. on next page)

Excluded heads of Expenditure.

124 (2) Military Forces of His Highness the Maharaja.

While my colleagues want that the power of the Assembly in thie respect should be confined to discussion, I am of opinion that it should extend to the right od voting also.

125 (3) Pensions of Public Servants.

The change that I would urge in the present position is that if the members of the Legislature have anything to say with regard to the fixing of the pensions of new recruits to Service or with regard to any important matter concerning the rules of procedure, they should have the opportunity to do so.

126 (4) Expenditure relating to or affecting -

(a) the relations of His Highness the Maharaja with the Paramount Power or with other States.

(b) matters Governed by treaties or conventions or agreements now in force or hereafter to be made by His Highness with the Paramount Power.

I am of opinion that in any future treaties to be made or agreements concluded the full concurrance of the legislature should be obtained. In my view no new taxes are to be imposed or existing taxes enhanced without the consent of the Assembly. Similarly no new item of expenditure should be incurred without the consent of the popular House. Since it is the people who will have to bear the financial burdens of these treaties or agreements, the concurrence of the peoples' representatives must be made necessary. As regards the financial burdens arising out of existing treaties of agreements, members of the Legislature should not be denied the opportunity to bring to the notice of Government the grievances of the people in these respects. Hence the Resolutions upon these must be allowed.

127 (5) Interest on loans and charges on sinking funds guaranteed at the time of raising loans.

I am of the view that there should be liberty to discuss the loan policy of the Government. Once the interest payable on loans is fixed any amounts set apart for discharging the obligation become non-votable, but there should be room for discussing the loan policy in its general aspects.

(6) Expenditure of which the amount is ~~specified~~ specified by or under the law.

128 In cases of acts promulgated without reference to the legislature if there are financial burdens imposed by virtue of such acts the assent of the Legislature should be obtained at the earliest opportunity.

129 To conclude I am against shutting any subjects or heads of expenditure from the purview of the Legislature, atleast in the limited sphere of discussion and debate. I am anxious that there should be as little room as possible for dissatisfaction on the part of the members of the Legislature and consequent friction between them and the Government; ~~and dissatisfaction is bound to prevail, so long as there are subjects upon which the representatives of the people are precluded from even expressing their opinion on the floor of the Houses of Legislature~~. Moreover such ~~denial~~ denial of opportunity ~~in the sessions of the Legislature itself~~. is bound to lead to search of ~~the~~ other channels of expression. It is therefore safer to afford the opportunity in the sessions of the Legislature itself.

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WEIGHTAGE CLAIMED BY MUSLIMS

130 Muslims in Mysore form about 6 per cent of the total population. I was agreeable that 20 seats in the Assembly might be reserved for Muslims on a joint Electorate basis only. There was a good deal of discussion in the Committee on the question of fixing the number of seats in the Assembly for Muslims and there was an appeal for unanimity of decision on this question by fixing it at 26. For the sake of ~~Unanimity~~ unanimity on this vexed question, I agreed to the number 26 on 9-2-39 at the meeting of the Committee, since the Muslim members of the Committee also were agreeable to this number and the Hindus and Christians too. This number together with 1 seat reserved for Muslim women ~~Muslims would~~ would secure ~~have~~ ~~receive~~ ~~served~~ seemed to the Muslims 9% of seats in the Assembly for their population ~~to a~~ strength of 6% in the State ~~of the total population~~. But I am pained to find that the Muslim members have gone back upon the unanimous conclusion of the Committee and are demanding weightage to ~~on~~ the extent ~~basis~~ of 13 per cent of the seats in the Legislature. Under these circumstances, I am forced to stick to the view I held originally, namely that the seats reserved for the Muslim Community should not be more than 20 in the Assembly. Anyhow they will have the right to vote for the non-Muslim candidates in the general constituencies and thus influence those elections, and also the right to stand as candidates themselves in the general ~~several~~ constituencies. Hence the double privileges of reservation as well as weightage are unnecessary.

131 That the minorities are entitled to protection from the possible tyranny of the majorities is conceded by all. The question is what can be considered reasonably

adequate protection. It will be interesting to note that the necessary guarantees for Minorities recognised by the League of Nations were the following:-

(a) Protection of life and liberty

(b) free exercise of religion

(c) civil and political equality

(d) free use of their mother-tongue

and

(e) the right to establish their own religious, social and educational institutions.

That Muslims in Mysore are enjoying all these rights cannot be denied by Muslims themselves. ~~Muslim members have themselves admitted that in the hands of His Highness their interests are quite safe.~~

132 Reservation of seats in the Legislature in proportion to their population is the utmost that any minority may with justice claim, and the grant of privileges further than this can only be deemed to be guided by considerations other than the mere protection of the rights of Minorities. It is represented that Muslims in Mysore are entitled to weightage apart from reservation on the basis of similar privilege acceded to them in the Provinces in British India. It will be neither just nor in the best interests of the State to import into the State considerations which guided such grant in the Provinces of India. It will not be just because while deciding the percentage of seats in the Provinces it was looked upon as an all-India question and the problem of all important minorities in all the Provinces was considered together. Thus if the Muslim Minorities who form 6 per cent of the population of Madras have been allocated about 13$\frac{1}{3}$ per cent of the seats in the Madras Legislature, as a compensation the non-muslim Minorities in the Frontier and Sind Provinces have been allocated 18 ~~20%~~ and

and 30% of the seats, where they form 9% and 27% respectively of the total population. While considering the question of the representation of Muslimns in Mysore, there is no similar question of compensatory reservation to the other Minorities in any other State in India. The position would probably be different if the time should come when the problem of Minorities is taken up as a question common to all the States in India, Mysore as well as Kashmir, Bhopal as well as Hyderabad. Till then it will not be just to draw partial comparison to the Provinces. And in the peculiar conditions of the States it will be in their interests to confine the internal communal problem of each State to itself and not ingress external considerations either from provinces or other States.

133 I have already pointed out that to over-emphasise the communal problem in Mysore is not in the best interests of the State itself. All things considered, I am of opinion that it will serve both to provide adequate protectio for the Muslim community in Mysore and also to make way for communal harmony if seats on the legislature in proportion to their population is reserved for Muslims and they are granted the further privileges of standing as candidates and of ~~also~~ voting in the general constituencies as well.

134 It will neither be right nor just to deprive the Hindus of the State what rightly belongs to them due to their proportionate strength of their population, their political, historical and natural importance as the sovereigns of the soil from times immemorial despite a short break in the 18th century. Again the toleration of the Hindus towards all Minorities in Mysore is proverbial and needs no reiteration in spite of the "charge sheet" preferred to the contrary by some Muslim Associations in Mysore with a view to justifying an unsustainable exaggerated claim. I have dealt with these several aspects while considering the problem of the Minorities in Mysore.

Communial Representation in Mysore.

135 ~~I am firmly of opinion that~~ Any conclusions based upon the British Indian situation are wholly irrelevant and opinions expressed risky in the absence of full materials before us. It is quite open to the native States of India to be wholly free from communialism and in fact they are most favourable placed to be even Oases in the desert of communal rancour and strife often seen in unhappy India. In the scheme of things they have their ~~there~~ own ~~great~~ contribution to make towards the national development ~~greatness~~ of India and in my opinion the maintenance of communal harmonious relations will be the greatest ~~extra~~ national contribution that they will be making.

136 Such religious harmony is to be hardly possible in a system of separate Electorates. Joint Electorates are ~~are~~ not a device for particular communal supremacy but a pratical arrangement making for communal harmony, as demanded by the interests of the State. My colleagues have referred to the British Indian development of the unhappy communal problem but as contrasted with that situation, Mysore has had the good fortune of maintaining a system of joint Electorates all these years whereby the communities were freely coming together and yet satisfaction prevailed through the method of nomination and facultative representation. One merit of the scheme ~~shcome~~ recommended by the Seal Committee in 1923 was that it did not divide the body politic into different compartments, while those leaders comparatively few in number who were working for the social welfare of the particular communities came through associations purely meant for such good work. While this ensured communal harmony in the political

political life of the State, the interest of the communities in no way suffered since adequate representation was guaranteed. Some members of the minority communities were even coming out successful in the general elections. Proportionate to their numbers they have been quite successful in the elections to the Local Bodies and even to their Presidentships and Vice-Presidentship, ~~even~~ defeating their rival candidates belonging to the majority communities.

All this points to the prevalance of General Communal harmony in the State in unmistakable terms.

137 The question of separate electorates was no doubt raised sixteen years ago in Mysore in the Seal Committee. I shall first of all draw the the attention of the Government to the observations made by the representatives of the minorities themselves who were then members of the Seal Committee.

(a) Messrs. K. Chandy and K.Mathan, Members of the Christian Community and then distinguished members of the Mysore Civil Service who later on retired as Executive Councillors of His Highness the Maharaja who have appended a separate note to the Seal Committee report have observed as follows :

"The representation of minority communities through associations in preference to communal electorates can be justified, because minorities are too many and difficult to standardize, and because communal electorates are likely to make the divisions between communities too rigid and perpetuate them. This is the sole justification."

138 Mr.Mahomed Abbas Khan, one of my colleagues on the present Reforms Committee was also a member of the Seal Committee of 1923. In a separate note to the Seal Report he observes as follows : " I see no objection to such elections being made by separate electorates or by reserving seats for them in plural constituencies. I have, however, agreed to their representation through recognised associations, as one of the practicable methods (Not the best) to avoid variations in the franchise."

Reservation of seats in plural constituencies is ~~ant~~ another name for joint Electorates with reservation of seats. The above quotation I think, proves that Mr. Abbas Khan was not then against joint electorates with reservation of seats. I have given above the views held by representatives of the Muslim and - Christian communities as expressed in the Seal - Committee.

139 I shall now quote certain relevant paragraphs from the body of the Seal Committee Report. On this question the seal committee state as follows :

Para 128. " Any method of representation which, aiming at the protection of the minority perpetually breeds (or accentuate) strife, or widen and - stereotype the cleavage, are bad for the state as a whole, and bad for the minority itself, which however represented and even over represented, will, so far as it is a standing minority inevitably go to the wall under the rule of the majoirty, in a fight a outrance".

Para 129. " The majority of the committee (Seal Committee) are against communal electorates. Some of

of us think that once this cleavage is introduced it would very soon enter into alliance with those passions " the greed of material gain and the fear of material loss" which deep in the breast in every community, strive against the more generous impulses of common fellowship and disinterested sharing and the result would be a perpetual social war (under the name of an armed peace or armed neutrality) on the usual plea of an effective preparedness."

" The Chairman would compare it to the outbreak of a 'fungoid', a cancerous growth that would send its off shoots into all the social tisssues, presently breaking out in local bodies, in chartered corporations like the Univerties, in nurseries of the coming generation like Schools and colleges, in the Civil services and bureaus and finally, in the organisation of industries ".

156 (IV) " Sense of the common-weel - finally in a heterogenous (or compound) social polity, all this constitutional machinery would be of no avail, without a zealous cultivation of the general interest as against an exclusive communal spirit on the part of the majority and the minorities alike, and a habitual adherence and loyal allegiance to the larger patriotism, in preference to the narrower. And any method of representation (or other constitutional measure) which militates against the creation of this freeze mentality would be more of standing menace to the minorities themselves than to the majority".

The Seal Committee recommended facultative representation of ~~manority~~ minority communities. If experience has shown this to be defective, the proper procedure

160

procedure would be to consider the eradication ~~evadication~~ of those defects. However this having not found any favour with anybody in the committee I believe that the alternative to feculsative representation we have to consider is joint Electorates with reservation of seats.

141 My colleagues concede this in principle, but ~~that~~ they have stated (para 166) that they would however suggest that if joint electorates on the whole are unacceptable to the Muslims, some form of it as a compromise ~~conpromise~~ be adopted at least in selected areas of the cities of Bangalore Kolar Gold Filed, Sanitary Board ~~Board~~ area, and Mysore, with the safeguard that the candidate who is chosen therein must get at least ~~ix~~ certain percentage of Muslim votes. Such a scheme would in their opinion serve as a check on separatest tendencies ~~tenderers~~ in those areas and if experience should justify it, it would also be a beginning towards a possible combination ~~corraboration~~ in rural electorates as well in course of time. They do not however wish to suggest that such a system, if unacceptable to the - community, should be thrust upon it with the force of authority from above; but they would, on the other hand, leave the final decision in the matter to the choice of the community itself."

142 I wish to point out that Muslim opinion is not so unanimous on this question as my colleagues observe. Five Mulsim gentlemen were examined by the committee. Four of them were from either of the two ~~xxxx~~ cities Mysore and Bangalore. Mr.K.A.Rahim, President of the Anjuman Mufidul Islam Association was the only witness coming from rural parts Belur Taluk. He has been a member of the Representative Assembly & district Board and Vice-President of the Belur Municipality. He stated in the

the Committee that joint electorates would not in any way harm the interests of the Muslims, that there was a necessity to move along with the Hindus of the State, since their economic interests were common and that Muslims returned under a system of joint electorates would be quite independent in their outlook and be not servile to the Hindus.

143

In rural parts there is real community of interests between the Muslims and the Hindus. If there should be any mutual suspicions in one or two places in the cities is that to be made the gound of separation of the Electorate into water-tight compartments throughout the State ignoring the interests of the rual population? Is the long continued practice of joint electorates in Mysore to be given up because there is communal animosity in British Indian Provinces? while ~~Whole~~ Mysore Under the benign and tolerant rule of the Maharaja is free and protected from the disease of ~~dvocase~~ religious communal rancour are we to invite it afresh now from outside the borders of the State against the happy ~~happly~~ traditions enjoyed till now? ~~One admirable feature of even the new Hyderabad constitution has been the system of joint electorates. Travancore enjoys the same system.~~ And the unhapply results of separate electorates in accentuating ~~accentiaty~~ communal differences in Kashmir have been ~~provided~~ out. The lesson of the British Indian Provinces is there that with all the safegaurds of separate electorates etc. ~~for the two communities~~ the gulf ~~self~~ between the two communities ~~them~~ has simply widened and is widening.

~~The witnesses who pleaded for separate electorates were from the cities, Bangalore and Bangalore but to their places the majority of the committee have themselves suggested joint electorates.~~

144

Hence there is no question of thrusting any

any arrangement with the force of authority from above. The question is simply one of maintaining communal harmony not only in the interests of the two communities but in the interests of the State as a whole. While the culture, language, religion etc. of the communities are duly protected in Mysore and harmony exists between the different religions communities it will be in the best interests of the State to preserve the joint electorates system. It would ~~will~~ be the reflection of the communal harmony in the public life of the state. That is all. It would be highly undesirable ~~undiesirable~~ to give room to any system that will tend to bring about any separate communal consciousness ~~conaiousness~~ which is bound to seek an identity with such forces outside Mysore and working in the long run to the undermining of the present good feelings. It is our duty to avoid such things where a saintly Hindu Maharaja and a loyal patriotic and faithful Muslim Dewan have strenghtened the old and established new traditions of Hindu Muslim concord in Mysore to be an example to others as I have already stated elsewhere in this note. If religious harmony and good feeling under such auspicious circumstances is not a possibility and it cannot reflect itself in the public life of the Country by having some form of joint electorates then we may as well despair of Hindu-Muslim Unity not merely in Mysore but else where in India as well.

Special Interests and their constituencies.

I had placed these proposals before the committee but due to want of time they were not taken up. The Chairman had advised the submission of the same to Government. Hence this note.

UNIVERSITY:

The constituency of the University ~~shall~~ may comprise of all Mysorean Graduates of more than five years standing of the University of Mysore, resident in Mysore.

TRADE AND COMMERCE:-

The three seats allotted to trade and commerce may be distributed as follows:-

(i) Mysore Chamber of Commerce 1 seat

(ii) For the Districts of Bangalore, Kolar, Mandya, Tumkur and Mysore . .. . 1 seat

(iii) For the Districts of Hassan, Kadur, Shimoga and Chitaldroog. .. .. 1 seat

In items (ii) and (iii) the electorates ~~shall~~ may consists of all merchants paying an income tax of Rs 50/- and above. ~~since it is desirable to avoid election through Associations, which become pocket boroughs.~~

INDUSTRIES:-

The whole State may be formed into one constituency for the seats to represent industries and the Directors of all Mysorean Companies engaged in industry with a paid-up capital of one lakh of rupees and above may form the constituency ~~electorate~~. This may include proprietors of industrial concerns with a similar paid-up capital.

WOMEN:-

148 **WOMEN:-**

Indirect election for the women's seats are inevitable. There shall not be separate Associations recognised for the purpose of electing the Harijan and Muslim women representatives. For this purpose the women's Associations for Mysore and Bangalore might be regarded as plural member constituencies with reserved seats for the minorities. This will ensure the system of joint electorates ~~Lectorates~~ even through indirect elections. Happily ~~for Mysore~~ the women's movement in Mysore has not developed on the communal lines and the representatives of the Mysore Women's Conference stated in the Committee that there was perfect harmony among the women of all communities in the State and that the ~~Mysore State Women's~~ Conference was a representative organisation working for the welfare of the women of the State without distinctions of caste or community. Here is an example to be copied by men. It is note-worthy that the leadership of the women movement in Mysore has been taken up by distinguished representatives of the minority communities themselves.

149 I am unable to agree with my colleagues for the establishment of separate electorates for women i.e. separate from men in territorial constituencies. Apart from the practical difficulties of their candidates having to work in whole districts, equity and justice demand that the separation of our sisters in Mysore into electorates of their own must have its logical culmination in

in reserving seats for them in the Assembly and Council atleast on their proportional population basis, of course if weightage be not claimed on any ground whatsoever. Whatever the future - development in this direction may be it would be better to confine their representation through Associations actually working for their welfare. If urban interests are found to preponderate in such a system a rule might be made requiring a certain percentage of membership from the rural parts for each of the Associations in every district.

150

SEATS FOR LABOUR INTERESTS:-

I would favour the allotment of the labour seats as follows:-

The Bhadravati area (including Iron Works).	One seat.
The Kolar Gold Fields area. ..	One seat
Mysore Railway workmen. .. .	One seat.
All Textile labourers in the - State.	One seat
Labourers in other Industrial concerns ~~including the Electrical department.~~	One seat.

Those that are actually working as labourers and have put in an unbroken services of more than three years in particular industrial concerns ~~shall~~ may be entitled to vote. Those that have been once atleast attained the voting qualification ~~will~~ may alone have the right to contest the seats reserved for labour in each of the above areas or divisions.

CO-OPERATION AND BANKING:-

157

The electorate to this seat may consist of all the directors of Mysorean Co-Operative Societies and Banks with a paid-up capital of a lakh of rupees and more.

Coffee planting ~~SPECIAL~~ INTERESTS ~~ASSEMBLY~~:-

152

In my opinion there is no need to reserve two seats for the coffee planting interests, one for European and one for Indian. One member representing the planters can adequately represent the interests of both. In matters of such common economic interests racial or communal differences do not count and ought not to be encouraged. As things stand at present the European and Indian planters in the State are co-operating wholeheartedly for the improvement of the plantation interests. The mere existence of two Associations, namely - The Mysore Planters' Association and Indian Planters' Association is not sufficient ~~ground~~ to grant two seats.

It should be possible for the two Associations, Mysore Planters' Association and the Indian Planters' Association, to co-operate with each other in sending one common representative to the Assembly. There need not be any amalgamation of the two Associations for this purpose; Section 88 of the present Mysore Representative Assembly Rules provides adequately for the functioning of two or more associations representing one - special interest. Moreover since European interests

as

as such are specially safeguarded hereafterwards by giving them one seat in the Assembly to represent their association in Mysore. We have to confine our attention solely to planting interests and planting interests alone here.

The other seat may be allotted to other plantation or gardening interests such as arecanuts. There has been a long standing demand by arecanut growers for special representation in the Assembly. The total acreage under arecanut cultivation in the State is nearly as large as 45,000 and the Rail-borne trade alone in exports amounts to nearly 40 lakhs of rupees.

It is wrong in principal to give over-weighted representation to any particular interest.

153 Legal interests. I am in favour of the retention of the present privilege accorded to the legal interests. This will ensure the return of men of real legal eminence to the Assembly.

154

THE PRESIDENT AND VICE PRESIDENTS OF THE REPRESENTATIVE ASSEMBLY PARA 179 Page 93.

My colleagues have recommended that the Dewan should continue to be the President and the executive Councillors as Vice-Presidents in view of the fact - that representations are to be made to the Government and direct redress obtained. They feel that the Dewan President would be in a more advantageous position to deal with representations than a non-official elected President.

In dissenting from the views expressed by my colleagues I wish to state that the right of the Assembly to elect its own President should no longer be - with-held. Even the Seal Committee held the opinion that " A non-official President of the Representative

Assembly

Assembly may come in course of time " (Para Seal Report) But according to my colleagues there is not even that distant prospect. The Seal Committee held the view that so far as representations were - concerned the presence of the Dewan would always be desirable. Hence a general rule may be necessary requiring the attendance of the Dewan in the Assembly with a non-official elected President. In the present stage of development of political consciousness in the State a non-official elected President will surely add to the prestige, power and influence of the peoples Assembly. Its efficiency will in no way suffer since the presence of the Dewan would be generally obligatory.

Legislative Council

155

Composition of the Legislative Council.

My colleagues have stated as follows:-

" we think that the time has come when the Legislative Council should be made an effective democratic instrument by giving a decisive elected majority ". While I agree with such a view I regret to state that the composition proposed for the Legislative Council by my colleagues is far from ensuring any such decisive elected majority. A comparitive table showing the present position with the proposed composition is given below. I have assumed that the District of Mandya will be having two seats on the Legislative Council reserved for it even if the present constitution were to continue i.e. without further reforms.

Constituencies.	Present allotment.	Allotment proposed by my colleagues.
General	20 seats.	24 seats.
Minorities.	4 seats.	10 seats.
Special interests.	4 seats	10 seats.
Nominated non-officials.	2 seats.	8 seats.
-- do ---- officials.	20 seats.	16 seats.
	50	68

Calculated in terms of percentage to the total the following figures indicate the strength of the respective interests in the present Council.

(1) General Constituencies		40%
(2) Minorities.		8%
(3) Special interests.		8%
(4) Nominated non-officials.		4%
(5) do officials.		40%
		100

The following will be the relative strength in the Council as proposed by my colleagues.

(1) General.	35.3 %
(2) Minorities.	14.7 %
(3) Special interests.	14.7 %
(4) Nominated Officials	11.8 %
(5) Nominated Officials	23.5 %
	100.0 %

Arranged in tabular form the following results will ~~be~~ emerge~~d~~.

Constituencies.	Present strength	Proposed	Difference.
General. - - - - - - - -	40.0 %	35.3 %	(nearly) -5 %
Minorities. - - - - - - - -	8.0 %	14.7 %	+7.0 %
Special interests. - - - - -	8.0 %	14.7 %	+7.0 %
Nominated Block - -	44.0 %	35.3 %	-9.0 %
(Officials & Non-Officials)	~~29.2 %~~ ~~5.8 %~~	~~23.5 %~~ ~~11.8 %~~	
	100.0	100.0	

156 According to the proposals of my colleagues, therefore, the nominated block would be reduced in strength by 9.0 %; only the minorities and special interests would together gain ~~by~~ nearly 14.0 % and general seats would be decreased by 5.0 %. Such proposals for the composition of the Legislative Coucil can hardly be described as making for any sort of democratic advance. That they would be doing a grave injustice to an overwhelmingly large section of the population will be evident from the population figures.

157 Excluding the minorities (depressed classes included) ~~of depressed classes~~, the majorities in the State form~~ed~~ nearly 75% of the total population ~~in the State~~. The Special Interests are not in any way representative of the population, either of the majority or of the minority communities. The nominated block cannot be taken to really represent any section of the people. If the majorities are to be properly represented, it can only be through the territorial seats, since minorities have got reserved seats. Proper democratic standards would require ~~enquire~~ a reservation of 75% of the seats in the Legislative Council for general constituencies . But I did not pitch my demand before the Committee as high as that, but contented myself with a demand for 38 territorial seats for general constituencies distributed as follows;-

4 Seats for each of the 9 Districts - -	36
1 Seat for each of the 2 Cities - - -	2

Allotment on this basis would have given the majorities a percentage of 55.9 in the Legislative Council, involving a sacrifice on their part of nearly 19% of the seats that should rightfully belong to them. ~~As my proposal did not find any support~~

I strongly urge upon the attention of Government that it would be a most inequitable and unjust arrangement to deprive the majorities of their rightful due share of seats on the Legislative Council. It is an unkind blow delivered to the majority communities in the State, ~~i.e., the Hindus~~, to reduce them from their present strength of 49.3 % to the strength of 35.3 % as per the recommendations of my colleagues. I would make a strong appeal to Government not to do injustice to the ~~Hindus of~~ majority communities in the State. ~~I am not a communalist Hindu and my~~ My appeal is not based on communalism, ~~My appeal is based~~ but on democratic principles. Surely it would not amount to any democratic advance to reduce even the present strength of the majority communities ~~Hindu community~~ in the Council. Moreover these seats are only classed general and not Hindu. I am agreeable to the principle that these seats should be open to members of all communities including non-Hindus of the State. I go even a step further and state that the Electorate for the territorial seats should be composed of Hindu as well as non-Hindu Electors, the minorities getting a right of double voting for their own seats as well as for general seats, (minorities, including Muslims and Christians & depressed classes) All this will be a sacrifice that the ~~Hindus of~~ majority communities of the State would heartily pay for Democracy. They do not want any communal rule in Mysore; they want only Democratic rule. I hope that the Government of His Highness the Maharaja who have at heart the well-being of all sections of the people of Mysore - of Christians, Muslims, Special Interests and ~~the~~ of the people who are to be represented through territorial constituencies - would pay sympathetic consideration to this aspect ~~my appeal~~ and prevent injustice being done to the majority communities. I once again urge that 38 seats should be reserved to be filled up by territorial constituencies

158

Seats reserved for Minorities and Depressed Classes :-

159

I would state here again that the seats reserved should be allotted to the Districts by rotation; Joint-electorates should prevail, the minorities having the right, not only of voting in the general constituencies, but also of contesting the general seats themselves. I repeat my confidence that the Hindu community is prepared for this sacrifice in the interests of democratic advance.

Special Interests

160

The Planting Interests had only one seat reserved for them on the Legislative Council hitherto. There is no need to over-weight their

representation ~~of Coffee-planting Interests.~~ The European and Indian Coffee-planters of the State may together be given one seat, the other seat being alloted to ther Planting Interests like Areca-nuts and Cocoanuts

161 I have already urged that the Representative Assembly should have a representative of the Legal Interests. There is greater reason that Legal Interests should have a seat on the Legislative Council. I am of opinion that the Legislative Council will be honouring itself in having men of the highest legal eminence elected by the legal constituency.A rule may be made that Lawyers of ten years standing and paying a professional tax or income tax of above a certain specified sum should alone be entitled to stand as candidates for the legal interests constituency .For accommadating this seat the nominated nonofficial block might be reduced by one seat.

162 Constituencies for some of the special interests.

Industries.

For the seat alloted to the Industries the whole state should be deemed to be one constituency,the Mysorean Directors and proprietors of all Mysorean ~~Industrit~~ Industrial concerns in the state with a paidup capital of two lakhs ~~one lakh~~ of rupees and more following ~~firming~~ the electorate - the qualification for voting and candidature being equal.

163 Mining.

Mining interests should include all the mining interests in the state and not merely the Gold mining concerns.

164 Labour.

All labourers of factories in the state who have put in a service of 6 years and more in particular factories may be given the right of voting for as well as contesting the seats for the Legislative Council.

165 Women.

Members of all the womens association irrespective of communities recognised by the Government may be formed into one electoral unit for filling up the seats to the Legislative Council.

166 Nominated officials and non-officials.

The nominated non-official element might be reduced to 2 or 3 and the rest of the nominated block including the officials must

must disappear from the Legislature. This is my opinion.

167 **Attendance of the Dewan.**

Dewan and members of the Executive Council should as a rule attend the deliberations of the Legislative Council and take part in it. I strongly oppose any suggestion of any analogy to Governors in this respect. The Dewan is a member of the Council of ministers to advise the Sovereign and does hold specific portfoilos. Subjects concerning his portfoilios ~~demand~~ demand his direct ~~presence~~ presence in the Council and statements regarding poilicies of Government in that respect. ~~He cannot and should not be any representative of the Sovereign - in Mysore to absent himself from the Legislative Council. Such a higher status was to him was not contemplated at the time of rendition of Mysore and now nothing should be done to place the Dewan on any Royal status thus eclipsing to that extent the real and permanent Sovereign of the state. Governors come in only when the immediate presence of the Sovereign could not be secured owing to the great distance of the place of residence of the Sovereign. The Sovereign resides in Mysore permanently and also truly in the affections of the people and a Governor on his analogy have no place in Mysore.~~ Hitherto the Dewan was ex-officio president of the legislative council. When the council elects its own non-official president the Dewan must ~~be~~ have to be either a member of the Assembly or of the Council. Under full Responsible ~~Govern~~ Government the former would be the case. But my colleagues should have at least recommended that Dewan should be a member of the legislative council with the power of voting therein. The coming in of a non-official president to the legislative council ought not to mean any higher status to the Dewan than enjoyed at present.

168

Selection of the Representatives of the State to the Federal Legislature.

It is really gratifying that we came to the unanimous conclusions in the Committee that the election of five representatives ~~elected representatives~~ ~~of the State~~ to the Federal Legislature should be ~~elected~~ by direct election. In this respect our Committee's proposal is in advance of the provisions of the Government of India Act 1935 for the provinces. ~~according to which election to the Federal Assembly from the Provinces is by indirect method~~.

169

According to the First Schedule to the Government of India Act, Mysore is entitled to send Seven representatives ~~Nominees~~ to the Federal Assembly and three to the Council. The Committee have recommended that only four out of the seven seats to the Assembly and one out of three seats to the Council may be filled by direct election, the rest ~~of the three seats to the Federal Assembly and two seats to the Federal Council~~ being filled by nomination. I am of opinion that all the seats should be filled by direct election only. This is a question that has to be considered not only from the point of view of the interests of Mysore but also that of the rest of India as well. There cannot be a true Federation in India so long as any of the representatives of the Federating Units are not elected by the people. Mysore will be making a great contribution to the democratic advance of India as a whole and also setting a notable ~~noble~~ example to the rest of the States by electing all its representatives. ~~which are entitled to representation on the Federal Legislature.~~

~~Federal legislature if all the representatives of Mysore on the Federal Legislature are elected by the people~~. The arrangement would also be a shining proof of the identity of interests of the Ruler and the Ruled in Mysore.

170 I would therefore appeal to Government of His Highness The Maharaja to consider the subject of Federal Representation in a very liberal spirit. ~~and provide for all the seats on the Federal Legislature that Mysore is entitled to being elected by the people~~. This act would win the gratitude of enlightened public opinion, not only in Mysore, but also in the whole of India.

171 I have to point out here that Federal Representation is one of the vital issues that would have been decided differently had my friends of the Mysore Congress continued to serve on the Committee. As I have stated earlier all the present members of the Committee brought to bear a very progressive spirit in the consideration of this question, and it is to this that ~~progressive spirit~~ we owe the recommendation that 4 out of 7 seats to the Assembly and 1 out of 3 to the Council may be filled by direct election on a territorial basis. Circumstances being so favourable if my friends of the Mysore Congress party had also remained in the Committee, we would have had a majority voting for selection of all the Seven Seats to the Federal Assembly by direct election; (on the question of filling the remaining two seats for the Council, voting would not probably have been different from the present.) Still the extension of the principle of election to all the seven seats for the Federal Assembly would in itself

itself have been a gain whose importance cannot be sufficiently stressed, to the cause of democracy in India. But the actions of a few leaders of the Mysore Congress should not be permitted to jeopardise the interests of the people of Mysore as well as those of the rest of India. The Peoples' cause should not be considered to have gone by default merely because these members of the Mysore Congress, who were along with others given the privilege of representing the people on the Committee, chose to go out of the Committee. I have pleaded and do plead here again ~~where~~ that the Government of His Highness the MahaRaja should take a very liberal view of the matter and not be guided by the consideration whether the Members of the Mysore Congress remained on the Committee or not. ~~Since the majority opinion of the Committee, had the Mysore Congress Congress continued, would have been in favour of all the 7 seats on the Federal Assembly being chosen by direct election.~~ I hope that the Government of Mysore, who have at heart the interests of the people of Mysore, and are actuated by truly nationalistic impulses, will give effect to what would have been the recommendation of the Committee, rather than what has been the recommendation in the absence of the members of the Mysore Congress. I would also request them to go a step further and provide that all the 3 seats on the Federal Council should also be filled by direct election. There were several proposals before the Committee for securing reservation of seats on the Federal legislature for special interests or communities like Harijans, labourers, women, Chamber of Commerce, Muslims etc. The Committee very properly

172

rejected all these proposals by an overwhelming majority. I am entirely in agreement with the Committee . Apart from the sheer impracticability of reserving seats for these claimants owing to the Small number of seats that Mysore can fill, consideration of the interests of the State demands rejection of all such claims. Whatever be the limited sphere to which a person may choose to owe allegiance inside Mysore, outside the State he should owe loyalty only to the Ruler and the State and not to any sectional interests. Outside Mysore, its Citizens should regard themselves not so much Hindus or Muslims or Harijans or labourers or traders, but as Mysoreans and loyal subjects of His Highness The Maharaja. He who is selected to the Federal Legislature from a limited constituency like the communal or the sectional cannot be considered to represent the cause of Mysore fully and adequately. That is why I voted with the majority in the Committee that the Elected representatives to the Federal legislature should be chosen from one single territorial constituency covering the entire State.

(Cont next page)

Section VII.

"(A) Fundamental Rights.

173 I would urge the inclusion of a provision securing to Kannada its rightful premier place as the language of the State. Its due position in the ~~records of~~ administration or in the Educational institutions, courts and the legislature should not be made to suffer on any account.

Section VII "B" Public Services Commission.

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174 While I agree to the setting up of a Public Services Commission, I am against the idea that its purpose should be to secure the principle of giving a fair opportunity to all communities for a share in the Public services of the Country. The principle of communal representation in Public Services should not be recognised at all ; efficiency of the services and merit of the candidate should be the only guiding factors in selection.

* * * * * *

FRANCHISE.

175

The Committee have recommended that the qualification of Voters to the Legislative Council should continue to be the same as now, but have suggested that in case of the Representative Assembly, payment of Rs 10/-land revenue or S.S. L.C. standard may become the reduced qualification to the Assembly. Since I did not get ~~much~~ any ~~of~~ support for my suggestion for adult franchise, except from Mr. R. Chennigaraiah I would urge that at least in the case of Voters to the Assembly, Qualification should be reduced to payment of Rs 5/- land revenue or the passing Middle School Examination. The ultimate goal being adult franchise, I believe that we should progress in that direction as far as possible. Reduction of the Qualification, to payment of Rs 5/- land revenue or passing of Middle School Examination, would no doubt considerably increase the number of voters, but the candidates will not be put to undue hardship as the constituencies are confined to the limits of a Taluk or Town.

Section 111 - Executive.

176 " Composite Cabinet "

My colleagues have recommended what they term a composite form of Cabinet for Mysore. After discussing various alternative schemes they have explained their proposals in para 199 of the report. The Dewan and the two Executive Councillors will remain as at present. One elected member of the Assembly and one elected member of the Legislative Council will be chosen by the Maharaja at his discretion and added to the Executive Council. Neither these non-official executive Councillors nor the Official Dewan and Councillors are made removable on a vote of no-confidence. In fact no provision is made for any such vote. It is in this way that the present Executive Council becomes transferred into the " Composite Cabinet " of Mysore.

177 A composite cabinet generally consists of members of equal status though they may belong to different political parties or views. But a composite Executive of Officials and non.officials is a peculiar combination presenting complicated problems and my colleagues propose to overcome the difficulties by giving the same status rank and pay to the non-official ministers as is enjoyed by the permanant officials. Though my colleagues rejected the suggestion of taking into the cabinet the leader of the party coammanding a majority in the Legislature, they yet express a hope that the persons chosen should be those that may be expected to enjoy the support of the Houses. And secondly my colleagues state that the Ruler should have the discretion to make the best selection and that he should be free to give the members of all communities an opportunity to hold the Councillorships.

178 On careful analysis of the suggestions of my colleagues it will be clear that His Highness will have to take into consideration the following points in the order of their importance in selecting the non-official ministers.

First important point. (1) Wishes of the Dewan whether any particular non-official would be a desirable addition to the Cabinet.

Point next in importance. (2) Whether there would be communal satisfaction by the addition of particular non-officials.

Third in importance. (3) Whether the non-official chosen may be considered an able man.

Point last in importance. (4) Whether the non-official

non-official chosen would command the confidence of the Legislature.

In such a selection the non-official ~~minister~~ minister will first owe a loyalty to the Official Dewan who ever ~~who even~~ he may be for recommending his name; a second loyalty to the community to which he personally belongs since it is to give communal satisfaction that he is selected, a third loyalty to the communities ~~from~~ to which the ~~nonofficials~~ Dewan and Executive Councillors belong since the communities from which the non-officials are slected are determined by a consideration of the communities to which the officials of the Cabinet already belong. In such a series of ~~ascending~~ of loyalties it is hardly possible that he will keep loyal to any of the principles he might have held prior to his selection ~~election~~ or to the programmes chalked out by the party to which he may belong. It is quite possible nodoubt in rare cases extraordinary men of ability and rare courage may overcome all the obstacles and be of service to the people by being in the Cabinet. But in the considerations that should weigh with His Highness, especially the communl, as per recommendations of my colleagues, such men of ability will practically have no chance of a place in the Cabinet. In the result the non-official chosen can rarely initiate bold new policies and programmes which the growing needs of the people demand. They will become merely speaking trumpets ~~trumpets~~ to ~~official~~ policies of the official Dewan & Councillors ~~and mere merely advertising agencies of the official views~~.

Hence there must be a provision made atleast in the rules and standing orders, in my opinion, for the bringing in of no-confidence motions, if the non-officials ministers are to be really useful in any way at all to the people. In the absence of such a provision I fail to see how there is any the least advance from the present state of affairs excepting ~~expecting it may be in the matter of recommendation of the declaration of the goal of Responsible Government. This will be of mere theoritical value if practical steps are not immediately takento ensure an advance towards the goal~~. The Seal Committee sixteen years ago recommended the addition ~~selection~~ of non-officials into the Cabinet for "their ~~his~~ assured hold on the affections of the people." This step the Seal Committee thought would contribute to strengthen that living harmony between the administration and the people. But the recommendations of my colleagues in this respect do not assure the selection of one for his hold on the affections of the people generally. In effect these recommendations may assure the selection of a non-official for his hold on the affection of his community rather than that of the people in general, since my colleagues want to

want to recognise the principle of Communalism in the Executive Council. ~~Hence~~ I am afraid that such proposals are more retrograde in charectar than the recommendations of the Seal Committee which did not recognise such a communal priciple at all.

81 How to know that the non-official selected has " an assured hold on the affections of the people ?, or that he continues his hold on their affections?. It is only when confidence is expressed in him by the Legislture. This is also guaged in a negative manner by giving the right to the Legislature to move a vote of no-confidence. There is no greater danger to the tranqulity of the State than the keeping in office of a wholly unpopular minister- despite his ability and despite his birth in a particular community and as against this supreme consideration all other technical considerations of joint responsibility, composite cabinet etc., pale into insignificance. I am therefore emphatically of opinion that a provision should be made forthe expression of no-confidence. ~~in the minister or ministry~~.

82 My colleagues think that the removability of the ministry, either in part or in whole, will have to grow up by convention and that the real discretion to change it should rest with the Ruler. The question arises as to how the convention should grow and in what manner should the Ruler be enabled to exercise real discretion to change the ministry in the best interests of the State. His Highness can only excercise proper discretion after ascertaining the grounds of complaint against the ministry. When my colleagues have recommended the bringing to the notice of His Highness all resolutions passed by the Legislature casting any reflections aginst the ministry, I fail to see why there should not be a recognised method of bringing the one motion called " The No-confidence Motion " in a formal manner which gives scope to bring within the purview of one full-dressed debate all that the peoples representatives may have against the ministry. Other resolutions Etc., may give only a piecemeal idea and it may not be in the best interests of the State, for His Highness to act upon such incomplete information.

83 It may be true as my colleagues state that the recent tendency in the Houses of Commons is to treat every question as a matter of "confidence". But in the circumstances of a small state like Mysore it would encourage unnecessary and wanton opposition on every question should such a tendency be encouraged and the country would be thrown into turmoil on every such question. The best method that makes for the stability of the Government and freedom for every day commotion would be to provide within the rulesand

and standing orders of the Legislature for a no-confidence motion to enable the ministry of the minister to answer all the charges against them on the floor of the House ~~in full dressed debate~~ and provide proper and full material for His Highness to exercise full discretion whether to remove the ministry or not, in part or in whole, It is only by such definite process and not by vague ~~methods~~ piecemeal methods that even the automatic removability of the ministry can come about by convention ultimately, as my colleagues hope that it will.

184 Apart from my stand for full and immediate establishment of Responsible Government I consider that there should be provision made for a vote of no-confidence motion even if Government should choose to accept the proposals of my colleagues alone and reject my counter recommendation for full Responsible Government immediately.

185 My colleagues think that a vote of no-confidence is an incident of Responsible Government only and that where a non-official minister is involved he may take shelter under the plea of joint reponsibility of the Cabinet as a whole and point out to the official members of the Cabinet as responsible for their nonencouragement to his policies, and that all this would breed unnecessary dissentions. That is why I would point out that the proper remedy to set right such a state of affairs would be to make the entire cabinet itself including the Dewan removable on a direct vote of no-confidence. Should this proposal not commend acceptence and it should be thought it might be left to the discretion of the Maharaja to remove the official ministers including the Dewan or in the alternative to give them a direction to change their policies, then there would be nothing wrong in principle to remove the non-official ministers only on a vote of no-confidence. It may happen that the non-official ministers affected thereby may not have been responsible for the policies attacked in the Legislature. But yet their non-ability as popular ministers to influence the policies of the Cabinet as a whole in a manner acceptable to the Legislture, can be sufficiant ground for their discontinuance in the Cabinet from the peoples' point of view.

186 It is only in such a state of affairs that men of real worth and ability can come forward in public life and be chosen to the cabinet. If they do not possess sufficiant knowledge, experience of public affairs, and ability to convince the official members of the cabinet and convert them to the popular point of view it would be no use to take them in the cabinet

cabinet and give them merely the outward trappings like the status rank and pay of the official members. If the work of the present Executive ministry in Mysore has in any way become very heavy due to enoromous growth of Governmental functions and duties it can ~~be~~ more profitably be supplemented ~~suplimented~~ by two more official councillors rather than the inexperienced non-official ministers against whom the Legislature cannot express a vote of no-confidence. I would therefore urge very strongly on the attention of the Government of His Highness the Maharaja that the absence of a provision for a vote of no-confidence in the rules and standing orders atleast though not in the body of the constitution act itself, will not satisfy even the most moderate sections of enlightened public opinion in the State.

187

Status of ministers under the Provincial Autonomy.

My colleagues have considered the status of Provincial ministers in para 202 and in para 203 of the Report, they observe as follows:-

" The broad principles underlying the constitution of the Provincial Executive in India, to the extent of which they are embodied in the Government of India Act, are acceptable to us. They involve the recognition, as we have seen, of differntiation between the functions of the Legislature and the Executive, so that one may not encroach upon the sphere of the other. The supreme Executive in the Provinces is distinct from the ministry ~~minority~~, whose functions constitutionally are only advisary, and whose appointment is left to the discretion of the supreme Executive. The ministry ~~minority~~ is the link between the Executive and the Legislature, and responsibility is to be achieved increasing measure by the growth of conventions. These principles could be applied almost straight away to Mysore ".

188

In the light of the above remarks it is necessary to examine the scheme proposed by my colleagues since in case it is really based upon the application of the broad principles underlying the Provincial Executive the advocate of Responsible Government need have no quarell with that scheme ~~and thus the minute of dissent would become unnecessary. Secondly I would also consider the scheme from the point of view of treaty relations and present statutory position~~.

contd.

Status of ~~Minorities~~ Ministers under Provincial Autonomy.	Status of ~~Minorities~~ Ministers in Mysore State, as proposed by
(1) The salaries of Ministers shall be such as the provincial legislature may from time to time by act ~~determine~~, and, until the provincial legislature so ~~dtermine~~ determines, shall be ~~dtermined~~ determined by the Governor, provided that the salary of a minister shall not be varied during his term of Office(Section 51(3) Government of India Act)	(1) Neither at present nor according to the recommendations of my colleagues are the salaries to be ~~dtermined~~ determined by the Legislature.
(2) A person will be disqualified for being chosen as, and for being a member of a Provincial Legislative Assembly or Legislative Council - if he holds any office of profit under the Crown in India. (Section 69 (1) a Government of India Act)	(2) At present the Dewan and Executive (3) Councillors are holding office of profit under the Maharaja ie. they are officials, and my colleagues have recommended that the Dewan should be the President of the Assembly and the Executive Councillors ex-officio members of the Legislative Council.

(3) ~~Again under provincial autonomy~~ A minister, who for any period of six consecutive months is not a member of the provincial legislature, shall, at the expiration of that period cease to be a minister {Section 51 (2)}

189 If the status of ministers in Mysore is to be equal to that of the Provincial ministers and yet it should be felt that the presence of those with official experience of the administration be deemed desirable and necessary in the Cabinet as my colleagues express in Para 206 of the Report, then the proper recommendation in this behalf should be (1) That the Dewan and ministers with official experience should first be nominated as members of the Legislative Council and then appointed as members of the Executive Council with their respective ~~functions~~ portfolios. (2) Their official career must be deemed to have ceased with such nomination i.e., they must ~~be treated as retired officers~~ not be persons holding office of profit under the ~~Crown~~ Maharaja. (3) And so far as their salaries to be drawn by virtue of their being ~~as~~ ministers, they must be left to be ~~dtermined~~ determined by the Legislature as under Provincial Autonomy. (4) It is only under this kind of status the Dewan and Executive Councillors and the non-official ministers can together form what may be called a composite cabinet. (5) On any vote of no-confidence His Highness the Maharaja would have discretion either to dismiss the entire ministry or only the elected members of the Legislature.

190 But my colleagues have not accepted these principles underlying the constitution of the Provincial Executive under Government of India Act and hence there was no possibility of any compromise being arrived at on this question as

as indicated by me in the previous paragraph. And especially their recommendation that the Dewan should not be a member of the Legislative Council but may attend it at his discretion, makes me think that under such an arrangement the status of the Dewan will gradually rise to that of a Governor and by his power and influence he will be eclipising the Sovereign in Mysore. As one witness in the Committee remarked it will be like having two kings in Mysore and will create complications. (Mr N. Ramarao, Retired Director of Industries) Under these circumstances I consider that the best arrangement would be for His Highness the Maharaja to call upon any member of the Representative Assembly whom he considers as likely to command the confidence of the Legislature to take up the duties of the Dewan or Prime Minister. On his advice the members of the Cabinet with official experience as well as non-officials may be added to the Cabinet. This will be a real composite Cabinet jointly responsible for all advice tendered to His Highness.

191 On the question of the constitution of the Executive ministry my scheme is the same as contained in the Mysore Congress scheme. I have taken the following seven provisions from that scheme though on other matters I have my differences with ~~that scheme~~ it.

(Appendix Page 20 of the Report)

192 Mysore Congress scheme of Responsible Government in Mysore.

The Executive.

1. The executive power of the State is vested in the Maharaja acting on the advice of the Council of Ministers subject to the provisions of the constitution and the laws of the State.

2. There shall be a Council of Ministers consisting of the Prime Minister and, until Legislature otherwise provides, not more than four Ministers of the State.

3. The Prime Minister shall be appointed by the Maharaja and the Ministers shall also be appointed by him on the advice of the Prime Minister. The Minister shall be sworen as the members of the Council and shall hold office during the pleasure of the Maharaja.

4. A Minister who for any period of six consecutive months is not a member of the Legislative Assembly shall at the expiration of that period cease to be a Minister.

5. The salaries of Ministers shall be such as Legislature may from time to time by Act determine: provided that the salary of a Minister shall not be varied during his term of office.

6. The Council of Ministers shall be collectively responsible to the Legislative Assembly for all matters concerning the Department of the State administered by the Ministers and generally for all advice tendered by it to the Maharaja.

7. All executive action of the Government shall be expressed to be taken in the name of the Maharaja.

193

The prerogative Rights of His Highness the Maharaja.

My chief difference with the Mysore Congress scheme was stated in the Reforms Committee even while I was yet a member of the Mysore Congre This point related to the definition in any way of the powers and previleges of His Highness the Maharaja or the limitation of His Royal prerogatives. ~~In a state like~~ Mysore is a State where a constitutional mode of administration has been established and as the Chairman of the Committee was pleased to say from his experience of his membership of the Executive Council that the Maharaja does not only not interpose in the day to day administration of the State but tha he acts only on the advice of his ministers. Since the State is a separate political entity in India, due only to the presence of the ~~rulign~~ Ruling Dynasty, it is quite necessary that in order to preserve the State's ~~its~~ distinctive entity the ~~Rul~~ Ruler should have in him the powers of ultimate ratification and veto. As I have shown in the body of this note there would ~~not~~ be no occasion for any interference on the ~~pa~~ part of the Paramount Power in the internal affairs of the State under a system o Responsible Government under a system of Responsible Government. Hence the royal prerogatives can only be used by th Maharaja when he considers them to be in the best interests of the State, and not under the direction of the paramount power. With a fixed Civil List, separated from the rest of the revenues and expenditure of the State and the traditions of constitutional rulership established by the Maharajas, I am personally of opinion that under the scheme of Responsible Government proposed by me, the ministry shall loyally obey the final verdict given by the Maharaja and shall not create any dead-locks over such ultimate exercise of royal prerogatives.

194

This would be in perfect accord with the goal of Responsible Government under the aegis of the Maharaja and on December 17th, 1938 alone I had stated in the Committee while I was still a member of the State Congress that I do not support the converse position Viz. The Maharaja to be under the aegis of the ~~people~~ popular ~~ministry~~ ministry. Hence when any policies of the ministry even after getting the support of the Legislature were to be over ruled by the Sovereign the fact shall be made known to the Legislature. There shall not be any further discussion in the Legislature

Legislature, on such ~~exercises~~ exercises of the prerogative rights and neither the ministry nor the legislators should resign on such grounds. It should be left to His Highness himself either to dimiss the ministry or dissolve the Legislature if he feels that there is need ~~in~~ in the country for a proper discussion of the subject and a fresh election on the important issues. If however he does neither dismiss the ministry nor dissolve the Legislature no dead-locks shall be created by the ~~popu~~popular representatives themselves.

195 Not only the minorities but all classes, interests and communities in the state regard the Sovereign as the protector of their interests. Hence it would be in the best interests of the ~~Sta~~ State to leave ~~untouch~~ untouched the prerogative rights of ultimate veto and ratification in the hands of the Ruler, under a System of Responsible Government.

Bhoopalam. R. Chandrasekharayya
31. 8. 1939

COMMITTEE ON CONSTITUTIONAL REFORM IN MYSORE.

Supplemental Note by
Mr.J.Mahomed Imam to
the Note of dissent already submitted

by the three Muslim
members of the
Committee.

OFFICE OF THE COMMITTEE
ON
CONSTITUTIONAL REFORM
In Mysore, Bangalore.
No. 32 Dated 12-3-24

The Committee has decided by a majority to allot for Muslims 4 seats for the Legislative Council and 26 seats for the Representative Assembly out of 68 and 310 seats respectively. This number is quite inadequate and will not satisfy the Muslim community. Under a system of popular Government, weightage is necessary for Muslamans to protect themselves against any encroachment on their religion, culture and language. The weightage given must be effective enough to fulfil this object and according to Late Justice Ameeralli, effective representation means that if the Muslamans throw their weight with what is called a non partisan party, the issue should be decided accordingly. It is with this object that weightage is asked for and not to have few more representatives.

This principle has been recognized and adopted in British India.

The Muslamans in Madras get weightage twice their population, in Central Province 3 times and in Orissa 4 times, whereas the weightage proposed under the proposed constitution in Mysore is 1½ percent more than their population basis. It is but right that the weightage adopted in Madras should be given in Mysore as the conditions in both these countries are similar.

The proposed increase from 18 to 26 in the case of Representative Assembly and 2 to 3 in the case of Legislative Council is not appreciable when compared to the increase proposed in case of depressed classes in whose case the number is proposed to be raised from 6 to 30 and 1 to 4.

The committee has rendered the working of the system of joint electorate impossible, by its reluctance to increase the number of seats. The system of joint electorate pre-supposes the existance of a multi member common constituency for both Hindus and Muslamans with a seat reserved in it for the ~~Muslmamansxwith~~ Muslamans as is being done in the case of schedule classes in British India. For the Legislative Council it is not possible to introduce joint electorate with four muslims seats, unless the existing 11 general constituencies are reduced to four or four Muslim seats are reserved in only 4 general constituencies to the exclusion of the other seven. It is not practicable to reduce the general constituency to four. On the other hand if the 4 Muslim seats are reserved in only 4 general constituencies, the muslamans of the other seven constituencies will not be represented and the number of muslamans thus excluded will be much more than the number represented.

I am personally of opinion that the system of joint electorate is the best for the country. It must also be understood that the introduction of joint electorate involves a certain amount of sacrifice on the part of the muslims as they have to give up the simpler and easier method of the separate electorate and subject themselves to the more cumbrous method of joint electorate. The Mussalmans will not agree unless there is sufficient recompensing. It cannot be expected of them to contest in a constituency of two or three districts and face 60,000 to 70,000 voters and they should not be in a worse position than their Hindu brothern. In my opinion the system of joint electorate will be made possible if one

seat

seat for Muslamans is reserved in each general constituency. This can be achieved by alloting 10 seats for the Legislative council. The Muslamans may agree for the system of joint electorate as it will be a sufficient inducement to them for the extra trouble and sacrifice they have to undergo in giving up separate electorate. In the case of Representative Assembly, I do not think the system of joint electorate can be adopted on account of the innumerable number of constituencies numbering nearly 165. The maximum number of seats that can be allotted for the muslamans is about 40 to 45 and to work the system of joint electorate, 40 seats should be allotted in 40 general constituencies and exclude the Mohamadans leaving in the other 120 constituencies. Nor is the other alternative to reduce the total number of general constituencies to 40, practicable. So it seems inevitable to adopt separate electorate for election to Representative Assembly. Two taluks may form one Mohamadan constituency and one seat for the Muslamans may be allotted in that constituency.

With the limited number of seats proposed, even the system of separate electorate will not be workable. It has been proposed by the committee to delimit the Muslim constituencies for the Legislative Council as follows:-

			Population.
Chitaldrug-Shimoga-Kadur	10,970	Sq.Miles	97,700
Tumkur and K o l a r	7,180	"	1,10,000
Mysore, Mandya and Hassan	8,140	"	85,000
Bangalore Dist.,& B-City	2,930	"	80,000

It will be seen that the constituencies proposed are unwieldy in area and un-manageable and a competition in such a big constituency and the Mohamadans living in diverse parts will be ruinous to the Mussalmans and cruel

to

to ask them to contest in such a big area. I may point out in this connection that in Madras, the Muslim constituencies are of the same area as the General constituencies in Mysore State. Out of twenty six constituencies in Madras State, twenty three constituencies are single district constituencies, and the average area ranges from 4000 to 6,000 square miles and the area of the following constituencies is within 2,000 square miles and no Muslim constituency is bigger than the General constituency.

Chirkal ...	689	Square miles
Kottayam ...	1,301	do-
Calicut Division	884	do-
Malapuram do-	1,884	do-
Palghat do-	1,074	do-
Puttu	2,006	do-
Mangalore do-	2,016	do-

In my opinion the following Division of the constituencies will be suited in case separate electorate is adopted and one seat may be assigned in each.

	Square Miles	Population.
1. Hassan and Kadur	5,420	40,900
2. Shimoga	4,048	40,960
3. Mysore and Mandya	5,400	43,500
4. Bangalore District	2,922	60,200
5. Kolar Excluding K.G.F.	3,161	55,500
6. Tumkur	4,022	44,300
7. Chitaldrug	4,150	40,000
8. Bangalore City, Mysore City and K.G.F.		47,000

In case of the Representative Assembly, no constituency should be bigger than two taluks put together.

It is admitted by the committee that "There is ~~one~~ some force in the argument that under a form of popular Government, adequate weightage becomes a matter of prime importance and necessity for Muslims as Muslim interests might not remain as safe as they are at present". It is also admitted "That a generous gesture seems

for from the majority communities so as to inspire confidence in the Mussalamans and to secure their whole hearted co-operation." But I regret that this noble sentiment has not been given effect to as in the next sentence the committee proposes to give weightage to "The absolute minimum requirements," instead of 'adequate weightage'. This certainly cannot be construed as a 'Generous guesture'. I cannot understand what is meant by "Minimum requirement". In my opinion, it means that the Muslims will have minimum requirement "To guard their interest and to prevent an encroachment on their language and culture under the popular Ministries." An excess of 2 percent over their population cannot be taken as minimum requirements of the community to safeguard their interest in case of encroachment. This in-appreciable weightage is as good as not having been given and quite in-adequate and in-effective. I agree with the committee that the weightage seats "Do not come out of a "Vacuum". It is quite true that nothing comes out of a "Vaccuam" not even 'gas' as it is perfectly empty. But I expect the weightage seats from bodies saturated by non-Mussalamans and the alloting of a few more seats in Representative Assembly and Legislative Council will certainly not dilute them. Weightage naturally involves deprivation. But at present practically no deprivation is called for. In fact all the constituencies both rural and urban, are enjoying the same privileges as before and no constituency has been deprived of its seats. What is wanted is a little addition to the present number. The number can easilty be raised without prejudice to any community. We have to find 14 extra seats for Representative Assembly and four seats for Legislative Council. The strength of the Representative Assembly may be raised to 315 and Legis-

Legislative Council to 75 to accommodate the extra seats. The Assembly will not be more un-wieldy than what it is now and the Council with a strength of 75 will be quite reasonable and manageable. I submit that the seats now proposed are quite inadequate and will not satisfy the community, I am most anxious that the cordial relationship should continue and hence my passionate pleading even at the risk of being called communal, that the percentage existing in Madras should be adopted in Mysore.

So I submit that ten seats may be reserved for the Mussalmans in case the system of joint electorates is introduced for Legislative Council. Eight seats may be allotted in case separate electorate is adopted.

In case of Representative Assembly 40 seats may be reserved. Out of this 10 seats may be set apart to be worked on the system of joint electorate, selecting one Taluk in each district and the remaining thirty seats may be thrown open for separate electorate, two taluks forming one Muslim constituency.

FEDERAL ASSEMBLY AND FEDRAL COUNCIL.

Regarding the Muslim representation in the Fedral Assembly and in the Fedral Council the Committee by a majority is not willing to reserve seats for Mussalmans in these bodies. I may point out in this connection that in Madras and other provinces, statuatory provision has been made for the Muslim representation and a definite number of seats have been reserved. In Madras four out of twenty seats in Fedral Council and eight out of thirty seven seats in Fedral Assembly have been reserved for the Musslamans. Similarly it is but right

that following this proportion, statuatory reservation of at least one seat in the Fedral Council and two in the Federal Assembly is made for the representation of the Mussalmans of Mysore.

MYSORE REPRESENTATION IN THE EXECUTIVE COUNCIL.

The Committee is reluctant to make any statuatory provision for the appointment of a Muslim Minister in the Executive. It was suggested by some members that there may be a convention to have a Muslim in the Cabinet including the Dewan. It is not right to include the Dewan for purposes of representation. He occupies the same position as a Governor does, in British India. The Dewan has no party or religion, represents the entire country and is expected to safe-guard the interest of all the communities. In fact he has no caste or creed. He has to act many a time against the interest of his community. It is not safe to identify him with any caste or party. So a healthy convention should be built up, if it is not possible to make statuatory provision, that one member of the Cabinet excluding the Dewan must be a Muslim. I may point out in this connection that this convention has rigidly been followed in almost all British Indian Provinces and in the Viceroy's Executive Council. A Muslim has been appointed as a Member of the Council invariably in all the provinces. Similarly, the same convention should be adopted in the Mysore constitution.

--:o:--

J Rolwam

D.O. No. 1931.

19th September 1939.

My dear Mr Srinivasa Iyengar,

I write to thank you for your D.O. letter No. 212 of yesterday's date enclosing the supplementary or dissenting minutes sent by some of the members of the Committee on Constitutional Reform in connection with the Majority Report which has already been sent up to Government.

Yours sincerely,

(Sd) Mirza Ismail

Rajasabhabhushana
Diwan Bahadur K. R. Srinivasa Iyengar, M.A.,
Chairman,
Committee on Constitutional
Reform in Mysore,
BANGALORE.

Forwarding memorandum

Note 10 notes

Chief Sec 19/9

Sd/ 19/9

Original

RAJADHARMAPRAVINA DIWAN BAHADUR
P. MAHADEVAYYA, B.A., B.L.,
RETD. CHIEF JUSTICE

Chamarajpet,
Bangalore City. 20-9-1939.

Dear Sir,

I had sent 56 pages of my Separate Note to the Secretary of the Constitutional Reforms Committee on the 13th inst. I sent 25 pages more on the 18th inst. and promised to send the remaining portion by the 20th inst., i.e. to-day. The Secretary returned the Note on the 18th night saying that the office was winding up, and the Chairman has asked me to forward my Note directly to Govt.

I have accordingly sent herewith my complete Note and request you to kindly send me four copies, after the Note is printed, for my personal use.

CB. 1/11/2009

Yours sincerely,
P. Mahadevayya

Rajaseevasakta
B. T. Rechaiya Iyengar Esq. B.A.
Chief Secretary to Government.

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33
CRC. 14.9.1939.

Separate Note
~~DISSENTING MINUTE~~ BY MR. P. MAHADEVAYYA.

Points of difference

I regret that I have to strongly differ from the following recommendations of my colleagues ~~the Committee~~:-

I. That there should be a declaration of the goal of reform;

II. That the said declaration should be in terms of "Responsible Government";

III. And that the definition of the goal of 'Responsible Government', as contained in the 'Formula' on P.66 of the Report, should be incorporated in the Government order promulgating the Constitutional reforms.

Chapter I. Theory of Uniformity of internal administration of all federal units.

I propose to deal with the first and the second subjects together, and the third subject regarding the 'Formula', separately. Chapter I

Congress propaganda for 'Responsible Government' in S. States. ~~Theory of uniformity of internal administration of all federal units.~~

2. The expression "Responsible Government" is understood differently by different people, and as shown by the materials before the Committee its full implications do not seem to have been properly understood in the country. But still the demand for the introduction of "Responsible Government" in the Indian States received a strong momentum from the Indian National Congress. The Congress leaders insisted that, as a condition precedent to the introduction of Federation, there should be uniformity in the internal administration of all the federal units and that the Indian Princes should therefore be called upon to introduce "Responsible Government" in their respective States before the inauguration of the Federal scheme. In their conception "Responsible Government" is the only good form of Government, and no other system of government, however good, however beneficial, and however ancient, has got a place in ~~the~~ political science. A raging propaganda is being carried on in

the Press and on the platform to cast the forms of Government in all the States into one mould. Dead uniformity in human affairs has acquired a virtue unheard of before, and variety seems to have lost all its value in the scheme of things in God's creation. "Trust the Princes" was the declaration made in London when the British Indian leaders themselves approached the Princes to favour the scheme of Federation. What was hinted only as a distant goal by the Simon Commission became a subject of immediate solution by the patriotism of the Princes. It was their genuine co-operation which helped the Round Table Conference to introduce the question of Federation into the arena of practical politics, and the British Prime Minister greatly appreciated the favourable decision of the Princes and congratulated them for it. But after political power was acquired the declaration of the policy of "Trust" was replaced by a contrary policy of "Mistrust", and it was openly declared that "there was no half-way house for the Indian States between total extinction and grant of full "Responsible Government." An atmosphere unfavourable to the Princes was created throughout the country, and 'Democracy' began to be defined as the desire to destroy one's neighbour. Every unfriendly act towards the Princes is sure to embitter feelings and postpone the chances of the political unity of India. His Highness the Maharaja of Bikanir has made the following important pronouncement regarding the Indian States:-

> "The Princes are not tools of the British Government to act in an unpatriotic and dishonourable manner. They are not hatching any conspiracy against the advance of British India towards full Nationhood under the aegis of the British Crown; and they are asking only for a full, effective and true recognition of all the existing rights of the States upon which depend their future preservation and very existence."

Provoking utterances of Congress leaders.

3. Provoking utterances of Congress leaders against the Indian States are responsible for a considerable amount of irritation among the Princes. Such utterances also tend to encourage the States' Subjects to indulge in subversive activities in the States under the garb of "Truth and Non-violence". A great Congress leader made a sweeping condemnation of the Indian States, and declared that "the backwardness of the States hindered the national progress of British India and that there could be no freedom for India unless the States ceased to be what they were". He might as well have said that there could be no freedom for India unless Afghanistan and China ceased to be what they were. But can it be said to be practical politics?

Attacks on Rulers unjustifiable.

4. The distinguished leader does not apparently believe in the internal sovereignty possessed by the Indian States. He stated that "The practice has been for the British power to dominate these States completely, and its slightest gesture is a command to them which they disobey at their peril. . . . . Even if the Rulers of the States were willing, their willingness would not take them far. For the master of their immediate destiny is the Agent of the British Government and they dare not offend him." If so, one wonders why Indian Princes should be attacked and abused and also approached with a demand for immediate "Responsible Government?" Why are they harassed by aggressive "Satyagraha Jathas" from British India? Why ~~were~~ are these "Jathas" not sent directly to Simla or Delhi, if the real offender lives there?

Backwardness of people in States conceded.

5. Again, the Congress leader concedes that the people of the States are backward, are not self-reliant, are not properly organised, and are not "capable of shouldering the burden of their struggle." If, according to his own admission, the requisite conditions do not exist, and if the people are, in his opinion, not competent to shoulder the burden ~~do not exist~~, how can "Responsible Government" or

"Democratic form of Government" function properly in the States? ~~if the people are, in his opinion, not competent to shoulder the burden?~~ How can the present artificial agitation result in the "good of the people" for whose benefit it is stated to be organised?

Indian Nationalism & dangers of narrow outlook.

6. It is said that Indian nationalism has become "angry" and "intolerant", being dissatisfied by the slow political progress allowed by the British rulers. Justice is not self-regarding but makes allowances for the fears, the hesitations, and the lawful interests of others. If justice is to be the foundation of Kingdoms, it must also regulate the relations between nations and States; and it is idle to expect that justice, peace and toleration will prevail within a State when they do not regulate the relations between that State and its neighbours. A well-known minister of a major Congress Province has declared that "the peaceful administration of the country is the guiding star of the Congress Governments established under the inspiring leadership of Mahatma Gandhi", that "unless they were truthful and non-violent in the true Gandhian way they would never reach the goal of national aspirations", and that "love of one's neighbours was the derivative principle of the two doctrines of "Truth and Non-violence", which should be upheld in thought, word and deed in every sphere of life". In his convocation address to the Annamalai University last year, Mr. K. Natarajan dwelt on the ideals of citizenship, making for a higher conception of nationalism, and warned against the danger of "infection of the narrow fanatical nationalism which has made a hell of Europe," and pointed out that "a saner and more wholesome view of nationalism was that all nations were members of one family, that the service of humanity should be the inspiring ideal of each of them, and that co-operation in a spirit of goodwill and not rivalry or conflict for

a place in the Sun should be the normal recognised basis of international relations."

Position of I. States unprecedented. Fallacy of Congress slogan pointed out by Ex-President of Congress.

7. From the point of view of political Science, the position of the Indian States is unprecedented in history, and the problem of the Indian Princes has perplexed many an astute Statesman and jurist. An experienced Ex-President of the Indian National Congress declared nearly twelve years ago, that in some Indian States constitutional advance was superior to British India in operation though not in theory and on paper. He also pointed out the fallacy of the Congress slogan of political freedom for the whole of India including the Indian States. The people of India occupied a most anomalous position, and one could not forget that natural India and political India were not quite identical. British India on the one hand included Burma and Aden and did not include Ceylon, while the Indian States necessarily excluded Nepal and Bhutan and the French and Portugese possessions in India. "If then the makers of modern India would, for political unification, have their country as God made it and gave it to them, then they should exclude Burma and Aden and include not only Ceylon but also French and Portugese India as well as Nepal and Bhutan, which is impossible unless we go to war and conquer. If then we have, of necessity, to confine ourselves to a geographically and ethnologically imperfect India for our political and economic freedom, is it absolutely necessary for us to think of mending and ending the Indian States as part of our programme for achieving our own salvation? We are decidedly of opinion that it is not. Nay more. Not only is it constitutionally impossible, but also the very attempt would be injudicious on our part. On the one hand the declared policy of the Suzerain has, ever since the Mutiny, been one of "once an Indian State, always an Indian

State." Therefore, the Dominion Home Rule of British India may not interfere with this recognised and long-established imperial policy."

The Hindustan Review, January 1927, p.105,106.

Questions about origin of I. States irrelevant.

8. It is also quite irrelevant to raise questions, as some Congress leaders have been doing, regarding the origin or legitimacy of the Indian States. Some of these are very ancient with title-deeds older than the title-deed of the Mikado of Japan. At any rate, the vast majority of them are not more recent than the State built up by the Honourable East India Company, and owe their origin very much to the same causes and circumstances, namely, the decay and dissolution of the Moghul Empire. It is open to doubt whether the origin of the East India Company itself can be said to be legal or constitutional, since the Charter of Queen Elizabeth granting to the Company rights of monopoly to trade with the East Indies is said to have been judicially pronounced illegal, being quite beyond her prerogative power, "she having been deceived into the grant", in the elegant language of the judges.

British Government treated I. States as equals during the early period.

9. Though the relationship between the States and the British Government can be said to be the outcome of an evolutionary process by means of varying formulas employed and conditions prescribed during successive Treaty making periods, there can be no doubt that the English East India Company, just like the French also, negotiated treaties with the Princes with full knowledge of their legal rights and all the relevant facts and treated them as if they were sovereign and independent. During the early period the relations between the contracting parties were those of perfect equals, and were interpreted in accordance with the principles of International Law and Ethics. The joint opinion of the Princes' counsels headed by Sir Leslie Scott., K.C., and Mr. Wilfrid Greene, K.C. (both of

whom were elevated to the Bench of the Court of Appeal in 1935) supports the above view. The joint opinion says that "The Indian Princes were originally independent, each possessed full sovereignty and their relationship inter se and to the British Power in India was one, which an international lawyer would regard as governed by the rules of International law." In the year 1825 a treaty was concluded with the Vizier of Oudh by Lord Amherst who described him as "His Majesty the King of Oudh". Even Lord Dalhousie, who adhered to the policy of annexation and developed the doctrine of paramountcy, said in regard to the annexation of Oudh, which he deprecated but which the Court of Directors ordered:- "The course proposed by the Court is not warranted by International Law. It would be either conquest or usurpation of the power of government by force of arms." About this view the following significant remark is made in the Cambridge History of India, Vol.V at p.585:- "This argument of International Law would not in these days be raised in connection with the Indian States." Thus the doctrine of independent equal Sovereign States governed by International Law suffered a gradual eclipse.

9. States possess internal Sovereignty.

10. "Sovereign", in politics, means the person or body of persons in whom the supreme executive and legislative powers of a State is vested. A State in which the legislative authority is not trammelled by any foreign power is called a "Sovereign State." Jurists are agreed that the Indian States possess internal Sovereignty. The British Government have recognised it and have also ~~grant~~ guaranteed the protection of all Treaty rights. Queen Victoria's Proclamation of 1858 guaranteed to the States the measure of Sovereignty which they severally possess in their internal affairs, and this guarantee was repeated in the Royal Proclamation of 8th February 1921

which contained this memorable passage:-

> "In my former Proclamation I repeated the assurance given on many occasions by my Royal Predecessors and Myself, of My determination ever to maintain unimpaired the privileges, rights, and dignities of the Princes of India. The Princes may rest assured that this pledge remains inviolate and inviolable."

Partition Treaty of 1799 + its importance to Mysore.

11. In this connection it is worthy of note that the Partition Treaty of 1799, concluded after the fall of Seringapatam, has a special significance for Mysore. Under the terms of this Treaty the separate existence of the Mysore State has been guaranteed "as long as the Sun and Moon shall endure". The exact interpretation of this historical clause and its binding character under the law formed the subject matter of an important debate in the British Parliament on 22nd February 1867, which was a memorable day for Mysore. The supporters of the official case, which was unfavourable to Mysore, attempted to explain away the above clause as "a careless oriental phrase" and argued, contrary to the recognised canons of interpretation, that the words "as long as the Sun and Moon endured" did not imply perpetuity and were not legally binding on the British Government. Lord Morley on the other hand, exposed the fallacy of this argument and rejected the theory of "a careless oriental phrase" having been introduced into the terms of a Solemn Treaty without any intention of literally observing it. He examined the terms of the Treaty and showed that it was the deliberate choice of Lord Wellesly to erect Mysore on political grounds into a State "as long as the Sun and Moon endured" and that Lord Wellesly himself had dictated that clause in the Treaty, and successfully contended that, having guaranteed the separate existence of the Mysore State in perpetuity under a Solemn

Treaty, the British Government had no legal right to annex the State in violation of such a guarantee. It will thus be seen that the Mysore State stands on firm footing, and that its legal right to exist "as long as the Sun and Moon shall endure" has received recognition at the hands of the British Parliament.

Change in relationship of I. States with Paramount Power. Presumed enhanced status of I. States.

12. The relationship of the States with the Paramount Power has undergone a marvellous change since the Mutiny of 1857, and the States have, to use a much quoted phrase, "become in fact part and parcel of the Indian Empire with which their interests are identified and identical". Lord Lytton, in 1877, proposed to include eight of the Princes in a new consultative body, to be called "Counsellors of the Empress". (matter on next page to be continued here)

Lord Curzon suggested the idea of Conference and co-operation, and in 1908 Lord Minto took the Princes into his confidence by consulting them individually on the question of the growth of sedition in India; and Lord Hardinge, in 1913 and 1914, invited some of the Princes to confer with him at Delhi on an educational matter of special interest to their order. Lord Chelmsford instituted a system of annual conference and widened the field of discussion, and in accordance with the recommendations of the Montagu-Chelmsford Report, His Majesty's Government, in 1920, called into being a permanent Council of Princes, as an advisory and consultative body, under the 'title of Chamber of Princes.'. The States were admitted to the wider Councils of the Empire, and a Prince was nominated to represent them on the Imperial War Cabinet and at the Imperial Conference, and to take part in the Peace Conference of 1919. In order to allay the anxieties of the Princes in regard to their treaty position, the political method and procedure of the Government of India were also revised in certain respects. Several of their important contentions received recognition in the Butler Committee Report, and their delegation to the First Round Table Conference, in November 1930, made an electrifying announcement in favour of Federation within the Empire. In the words of the Prime Minister, "The declaration of the Princes has revolutionised the situation..... has at once not only opened our vision, not only cheered our hearts, not only let us

lift up our eyes and see a glowing horizon, but has simplified our duties. The Princes have given a most substantial contribution in opening up the way to a really united federated India." Every one who believes in Federation as a solution for India's problem, must pay a tribute of admiration and respect to those Princes who have laboured with undaunted patience and great tact to get the picture set upon the canvas. Some of the larger States are progressive and their destinies are being wisely guided by enlightened Rulers, who are able in their persons to attract the intense loyalty of their peoples. The Princes are not averse to progress and reform. ~~Which~~ While there is need for reform in some of the backward States of India, yet there are other States which will make a powerful contribution to the Federation, because they have mastered the art of government and progressed and "will be able to teach lessons to British India", lessons in administration, in the meaning of loyalties, in tolerance, in consideration for the rural areas, in education, in development of industries, in town-planning, and in the co-ordination in the State of general State activities. While pointing out that a progressive Ruler is a great stabilizing force to check the excesses of democracy, Sir R.K.Shanmukham Chetty, the distinguished Dewan of Cochin, made the following significant remarks:--

"I consider as useless and positively dangerous the recent fashionable talk of certain classes of politicians that the institution of Indian Princes should be abolished and that all the Indian States should be annexed to their respective Provinces. I am beginning to wonder whether, after all, the correct process may not be, in the interests of democracy in India, to split up all the Provinces

and hand them over to some Rulers, because I ~~felt~~ feel that, in a State with the guidance of an impartial and wise Ruler, there is really greater safety for minorities and the various other interests than in a constitution in which democracy runs ~~amuck~~ amuck."

Princes resent outside interference.

13. The Princes hold to assurances which they have received from successive Viceroys that the time, pace, and manner of change are matters in which they are themselves the best judges. They contend that the Provinces of British India have no more right to dictate to the States how they should organize their system of government, than the States have the right to dictate to the British Indian Provinces as to what legislation they should pass and what policy they should adopt.

Congress war against States not justified by any code of political Ethics.

14. The question of "Responsible Government" in Indian States cannot be said to be as important as the question relating to the "Communal Award", which is a negation of democracy and 'Responsible Government'. Mahatma Gandhi emphatically condemned it, and declared that it was much better to remain without the so-called "Responsible Government" than to accept the "Communal Award." And yet the Congress ignored his opinion, and adopted the policy of "neutrality" with respect to the Communal Award on the ground of "expediency." Why should not a similar policy of toleration be adopted towards the Indian States? If the "Congress is the very antithesis of fascism", as repeatedly declared in the Press and on the platform, on the ground that "it is based on non-violence, pure and undefiled," and that "its sanctions are all moral," it is difficult to justify

the Congress war against the States by any code of political ethics. It cannot be said to be morally just as the rule of reason has been dethroned, and the methods adopted by Congress leaders are based on might. Nor is there any substance in the opposition to the federal part of "the Government of India Act" on the ground of the absence of "Responsible Government" in the States, since the Congress governments have themselves discarded recognised principles of democracy and adopted undemocratic methods. No amount of democratic fervour can obscure the fact that neither the Hindus nor the Muslims of British India will really allow their respective States to be destroyed, since they regard these ancient polities as strongholds of their respective communities, and it will be disastrous to force the States to play the role of as many Ulsters as there are States in India, out of sheer self-defence. In fact, the Princes have no belief in the virtues claimed for "Responsible Government" which has lost most of its attractions within the last two years. Is it fair or reasonable that British India should force a particular form of Government on the States when that Government in British India itself has not yet demonstrated its full utility? Why should not every State evolve its own form of Government? Is there no place for honest differences of opinion on so momentous a matter? "The Statesman", for whose opinions Mahatma Gandhi has got much regard, pointed out in emphatic terms that "to foist upon the States full "Responsible Government" straightaway would in most cases lead

directly to anarchy." (See Leader in the issue of the "Statesman" dated 7th March 1939). The States are important limbs of India. Some of them have been famous centres of culture and civilization, and their contributions in arts, literature, philosophy and science cannot be said to be negligible. They are historic institutions with rich traditions. Let there be no animus against the States as such, and let them not be thrown into the flames by British India.

Sir S. Radhakrishnan recently assured that he knew that a number of Princes were patriotic Indians & that they would work for the general advancement of India & a higher political status.

correct legal position of I. States, as explained by Mahatma Gandhi.

16. It should not be forgotten that the correct legal position of the Indian States has been explained in unmistakable terms by Mahatma Gandhi himself. He has stated that "legally and politically, every State, small or big, is an independent entity in its relation to the other States and that part of India which is called British." He has also declared that "Indian States are independent entities under the British Law and that British India has no more power to shape the policy of the States than that of Afghanistan, Ceylon, or French India." To attempt to reverse this wise policy, as some politicians have been persistently doing is, in my opinion, to introduce confusion and wreck the reputation built up by the Mahatma.

British Government also not entitled to co-erce the I. States

16. While answering a question in the House of Commons on 19th December, 1938, regarding the Congress demand for democratisation of Indian States, Col. J.J.Llewellin, acting Under-Secretary of State for India, stated as follows:-

> "Mr. Gandhi, when here at the Round Table Conference, strongly expressed the view, that we had no right to say to the States what they should do or what they should not do."

This

This is a significant statement, and it clearly shows that the British Government are not legally entitled to coerce the States in the matter.

Resolution of Non-interference in States not honoured in practice.

17. The Princes have also no faith in the Congress Resolution of Non-interference in States. The exemption which it created in favour of individual leaders destroyed in practice whatever virtue the resolution possessed in theory. What is wrong, in the sense of not being right or proper, for the whole body must be equally wrong for the individuals composing it; and there is neither legal, equitable nor moral principle to justify the exemption in favour of individuals. ~~"That is morally wrong cannot be politically right," and morality cannot be said to be divorced from politics. Moreover,~~ If the rule of reason is to govern a body of people, the individuals who form that body cannot be said to be governed by a contrary principle, viz., the rule of force. At any rate, sudden change of principles and policies and the adoption of doubtful methods unknown to law for gaining political power have surely shaken the confidence of the Princes.

Ministers asked to disregard statutory limitations and interfere in States.

18. Sometimes, leaders at the top failed to recognise that even political expediency had i own limitations, and openly suggested that Provincial Ministers should go outside the Government of India Act and interfere in States' affairs. The Princes were accused

of being vassals of the British and were demanded to become the vassals of the Congress. The Congress utterances revealed a disquieting drift towards exaggeration and intolerance, and a large section of the Press in British India went to unreasonable lengths in uncovering the alleged "inequities" of States' Governments, ~~which~~ while painting an anaemic picture of Praja Mandals. Such a policy is pregnant with grave danger to the Constitution and, if pursued, can only lead to serious strife and disaster.

Speech of the Chancellor of the Chamber of Princes of 10th June 1939.

19. The Princes themselves are not at all unwilling to recognise the time-spirit. They are not opposed to the legitimate aspirations of their subjects, though they object to outside domination and the introduction of a uniform type of government, irrespective of historical traditions, local conditions, and the political consciousness of the people in the various States. In his speech delivered at Bombay on 10th June, 1939, His Highness the Chancellor of the Chamber of Princes stated that the Princes considered it as a sacred duty to improve their administrations, and that "no false notion of prestige will dissuade them from removing the legitimate grievances of their subjects." The Jam Saheb claimed that the decision with regard to the form and extent of Constitutional Reforms in the States must ~~not~~ rest solely with the individual Rulers concerned, and denied the right of any party from outside to dictate to them or coerce them in the matter. He also invited the attention of

19(A)

Speech of His Excellency the Viceroy

In his recent speech at Cuttack, His Excellency the Viceroy laid down what appears, in my opinion, to be a self-evident proposition. He stated that, "Provinces and States are and must always be good neighbours. They have each their own part to play in the progress of India, but the parts must be played in harmony and not in dissonance. The virtues of neighbourliness in the ordinary community life need no defining by me." The latest advice given by Mahatma Gandhi in this respect, which is based on sound and lofty ideals, is that the Congress should recognise its own limitations, that it should avoid all show of force by co-ercion, that its ~~own~~ only capital should be its moral authority, and that any other position would lead to internecine feud and bloodshed. It will thus be seen that both His Excellency the Viceroy and Mahatma Gandhi have declared that forbearance towards neighbours is a virtue. Both law and morality demand its recognition, and it is imperative in the interests of peace and political unity of India that the policy of non-intervention should be strictly observed by the Congress.

P.M.

the Paramount Power to its responsibility in connection with the invasion of the States by subversive elements from British India. It is gratifying to note that the Rulers of some States have already announced constructive administrative Reforms and programmes of beneficent activities for their States, while in some other States, the question of Constitutional Reforms with due regard to local conditions and resources, is receiving the active consideration of their governments.

19(A) [please see separate sheet on the reverse of p. 16]

No authority to demand uniformity of internal administration in States. Opinion of German jurists to the contrary.

20. From a constitutional point of view there is no force in the Congress contention for a sealed pattern of "Responsible Government" for all the Indian States on the exact model of the British Indian Provinces. Nor is there any authority to impose a uniform type of internal constitution on all the federating units in India. Such a theory is opposed to the lessons of history, since the heterogeneous character of the units has been found to be no obstacle at all to their federal association. Until the year 1918 in Germany the two States of Meeklinburg had a monarchical constitution, looked upon as very antiquated. The towns of Hamburg, Brumen and Lubeck were Free City Republics and all the other States were monarchical in character. Nevertheless all the German States, however much their constitutions differed from one another, were received into the German Federal State and were enabled to retain their constitutions during the existence of the Empire from 1867 to 1918, without hindering thereby in any way the work of co-operation. For the formation of a Federal State it is necessary and sufficient according to Dr. Viktor Bruns (Professor of Law in the University of Berlin) and Dr. Carl Bilfinger (Professor of Law in the University of Halle), that the units possess governments capable of guaranteeing their

carrying out in their own territory, as agents of the Central Government, the laws and decisions of the said Government. Such guarantee is not dependent on similarity of organisation or on the form of responsibility obtaining in the units. Moreover, it is not within the power of a legislator to create the ~~coail~~ social, religious, economic and political conditions of a country. These are matters of historical development. He is faced with them as facts, and he must adapt the constitution to them with the aim of adjusting inconsistent factors in such a way that they can be utilised for the common good.

Remarks of H.H. the Gaekwar of Baroda at the Round Table Conference.

21. His Highness the Gaekwar of Baroda considered this subject to be a live political issue at the Round Table Conference, and pleaded for the conception of a United India wherein British India would as partners co-operate for the common welfare of India as a whole, while each unit would retain its individuality and its right to develop in accordance with its own particular genius. His Highness also added the following pregnant remarks in the course of the discussion:-

"We shall have, in other words, unity without uniformity, a prime requisite of ~~the~~ true federation. It is my deliberate conviction that to strain after uniformity in the federal structure would be a mistaken policy. There should be perfect freedom given to each unit to develop along its own peculiar lines. Healthy and friendly rivalry is beneficial to the State as to the individual. Thus alone hitherto have many fruitful ideas been fostered in the Indian States . . . . . Forms of Government undoubtedly possess importance, but they are merely a means to an end. The

importance to be attached to them, therefore, must be estimated according to the extent to which they conduce to the end in view, which should be the happiness, the contentment, and the prosperity of the people."

Opinion of Prof: J. H. Morgan, K.C.

22. Again, Prof. J. H. Morgan, K.C. is emphatically of opinion that such uniformity is not at all essential for Federation in India. He says that, "It is a complete mistake to suppose that uniformity of constitutions among the constituent units of a Federation is essential to its success. There is no such uniformity in the Swiss Federation, or the Australian, or the Canadian. Why then in India?

The fascination of India and, indeed, her greatest contribution to civilization, has been her infinite ~~vanity~~ variety, ~~vanity~~ variety of creed, of law, of philosophy, of language, of race, and even of costume. No sane man wishes to see India stamping out ~~us~~ as with a Steam-roller all this rich ~~vanity~~ variety.

Why should the constitutional life of India be any less rich in ~~vanity~~ variety than all these forms of her social life, of which constitutional life is the expression? What may suit the Province of Bombay may not suit the State of Mysore. What may suit the State of Baroda may not suit equally the State of Jamnagar.

As "The Times" recently observed in an extremely sagacious leading article, "it would be a curse, not a blessing, to India to be delivered over to "ideologies" of this kind which would put her in as tight a straight-jacket of political forms as a totalitarian State. The result would be not political expansion but

political suffocation."

Some accepted conclusions in political science.

23. Prof. J. A. Hawgood, who is the author of a recent book on "Modern Constitutions" (Macmillan, 1939), which is perhaps the latest work on modern forms of Government, emphasises some accepted conclusions in political science as follows:- "The true value of a political contrivance lies in its adaptation to the temper and circumstances of the people for whom it is designed. No one type of ideal State could suit all conditions of people and all environments." [~~And he quotes with approval the wise words of Aristotle that the best government must necessarily be that which is administered by the best men.~~] ~~In this view of the case~~ For the above reasons, the argument for the demand for "Responsible Government" in all the federating units on the ground of uniformity must be held to be untenable, and other grounds must be found to justify the demand for "Responsible Government" in the States.

Chapter II

Section A — 'Responsible Government' and its recognised pre-requisites.

Question of 'Responsible Government' in British India ~~examined~~ ~~on basis~~ a copy of the British model.

24. The question of "Responsible Government" may now be examined on its own merits. The system of "Responsible Government" introduced into the British Indian Provinces under the Government of India Act, 1935, is not a complete copy of the British model. According to the Joint Parliamentary Committee, this "Responsible Government" is a form of government in which the executive is in some sense accountable to the legislature. The copy has to be understood in the light of the implications of the original on which it is based. But the much admired English Constitution, unlike the constitutions of France, Belgium, or the United States, is an "unwritten" constitution. There is no enactment which purports to contain the articles of the constitution, and

English teachers on constitutional law experience special difficulties in expounding its provisions. Edmund Burke's advice with regard to the English Constitution is:-

> "We ought to understand it according to our measure; and to venerate where we are not able to comprehend it."

Difficulties and implications of the British Constitution on which it is based.

25. With respect to the oft quoted maxim that "The English constitution had not been made but had grown", Prof. Dicey observes:-

> "It was the fruit not of abstract theory but of that instinct which has enabled Englishmen, and especially uncivilised Englishmen, to build up sound and lasting institutions, much as bees construct a honeycomb, without undergoing the degradation of understanding the principles on which they raise a fabric.....No precise date could be named as the day of its birth; no definite body of persons could claim to be its creators, no one could point to the document which contained its clauses; it (the English constitution) was in short a thing by itself, which Englishmen and foreigners alike should venerate, where they are not able to comprehend." Dicey's "Law of the Constitution", p.3.

Difficult for other nations to work it. Prof: H. Laski's opinion.

26. Experience has shown that it is difficult for other nations to work the Parliamentary system based on the British model, and its imitation is not altogether a success. Prof. Harold Laski says that the British system of Parliamentary Government is the result of "a marriage between capitalism and democracy", and that "the capitalism is more important than the democracy because the relations of

property that it imposes gives to the democracy its constitutive principle." According to him, "the British Constitution was an instrument ~~for~~ men who were agreed about the way of life the English State should impose. It was nourished by the immense economic success of the system upon which it was founded. The England that became the workshop of the world, the England that could achieve priority over all other nations in access to the world markets, could afford to pay the price of all compromises it involved. That explains the liberty, the tolerance and the social peace that Englishmen have enjoyed..... Though its success conferred upon it (the British system) a prestige which caused it to be imitated all over the world, it has rarely been imitated successfully over any length of time. That is because, among most nations in which it has been tried, the economic foundations of success were wanting." Parliamentary Govt. in England by Prof.H. Laski (1939) p.68-69.

Pre-requisites of 'Responsible Govt' according to Prof: H. Laski

27. It is agreed both in England and India that certain pre-requisites should exist for successfully working Parliamentary or Responsible Government. On this subject Prof. Harold Laski has expressed the following opinion:-

"The 'pre-requisites", as Bagehot called them, of successful representative Government are, indeed, both manifold and complex. It requires something more than intelligence and virtue. It pre-supposes a body of citizens who are fundamentally at one upon all the major objects of governmental activity. It requires, in the second place, a sense in the nation that no

single class of any importance in the community is permanently excluded from power. A third condition is that it should be built upon widely diffused habits of tolerance throughout the nation. Men who are to live together peacefully must be able to argue together peacefully. They must not run to suppress criticism of things as they are; rather, they must be willing, if pressed, to invite its examination. They must refrain from pressing upon a significant minority principles of legislation by which the latter is outraged. Without this tolerance there is no prospect in the society of compromise; and every subject of division then becomes a high-road to disruption." (p.14-15-)

Dangerous to introduce it when the country is unprepared.

28. Constitutional writers are of opinion that it is dangerous to introduce Parliamentary Government when the country is unprepared for it, and the requisite conditions are absent. Sir John Marriot in his recent work on "The English Constitution" (1938) says that, "In the art of Politics, there is nothing so fatal as pre-mature development. The Fascist dictatorship is the penalty which Italy had to pay for the adoption of Parliamentary Democracy before the social conditions and political education of Italy justified the experiment and offered some guarantee of its success." He also says, that "even Britain whose political development during the nineteenth century is deemed by keen observers to be precocious - even this home of democracy - had to pay the price of a pre-mature extension of the powers of Parliament under the Lancastrian Kings in the shape of centuries of lawlessness, dictatorship and oligarchy."

These pre-requisites are enunciated in the form of "four essential factors" by the Joint Parliamentary Committee

29. The pre-requisites of Parliamentary Government laid down by Prof. H. Laski have been enunciated by the Joint Parliamentary Committee in the form of "four essential factors by the interaction of which "Responsible Government" works." The said committee has held that none of these factors could be deemed to exist in India, and I am of opinion that these essential pre-requisites do not exist in Mysore also. When they may come into existence in Mysore, in what form and to what extent can only be matters of conjecture, and nobody can claim to make a correct forecast of the future conditions of a country.

Working of Responsible Government in the British Indian Provinces.

30. What is the nature of the system of "Responsible Government" introduced into the British Indian Provinces, and how is it working since two years and three months?

The British Government, with the best of intentions, is making a great political experiment in India. They know that "a technique which the British people have painfully developed in the course of many generations is not to be acquired by other communities in the twinkling of an eye," and that the "mere copyist of British institutions would fall into more dangerous errors today if he were to assume that an Act of Parliament can establish similar institutions in India, merely by reproducing such provisions as are to be found in the constitutional law of Great Britain." They contrast the British conception of Parliamentary Government with the facts of Indian life and hold, that none of the factors essential for the working of Parliamentary Government can be said to exist in India today. Thus, with full knowledge of the absence of all requisite conditions necessary for the proper working of Parliamentary Government, they have designed under the scheme of Provincial Autonomy "some form of Responsible Government," i.e., Government through ministers responsible to an elected legislature and through them to the electorate, subject to safeguards, as a sort of trial. In his Massey Lecture delivered in Toronto, Lord Irwin (now Lord Halifax) said that democracy, or an approach to it, involves in India delicate questions of franchise of quite peculiar difficulty, and rests ultimately upon a postulate of the value of personality which is largely exotic to Indian thought, and stated that, as the British Government had no other practical alternative, they

decided to face the formidable difficulties in the path of the development of democratic government in India and to make an experiment of Parliamentary Government subject to safeguards. ("Political India" by Sir John Cumming, P.7). While pointing out that the Indians themselves have to create the conditions necessary for "Responsible Government", the Joint Parliamentary Committee observe that, "It is impossible to predict whether, or how soon, a new sense of provincial citizenship, combined with the growth of parties representing divergent economic and social policies, may prove strong enough to absorb and obliterate the religious and racial cleavages which dominate Indian political life."

Good work of the Congress Governments.

31. There can be no doubt that the Congress Governments have introduced several measures for the amelioration of the condition of the masses and that Congress Ministries have gained some valuable experience in the art of government. The Congress possesses an enormous capacity for organisation and has taught people how to organise. From this point of view, the Congress movement has made one of the greatest contributions to the moral and political regeneration of the country. So far as Mahatma Gandhi is concerned he has given to Indians, both in and outside the Congress, a new spirit of self-reliance and self-respect and has thereby more than any single Indian of his time contributed to the growth of true nationhood. Many patriotic leaders are honestly endeavouring, under the inspired guidance of Mahatma Gandhi, to work the scheme of Provincial Autonomy to the best possible advantage, and the Governors and Civil Servants are showing commendable restraint and co-operation. But what are the methods adopted in working the constitutional machinery in the Congress Provinces? Is it really

democracy that is working in the said Provinces? Have the conditions necessary for 'Responsible Government' been created? Has a sense of political unity been displayed, or a sense of responsibility approaching the British technique developed? Is there a growth of the party system in the English sense, or an obliteration of religious or racial cleavages? On some of these questions I stated before the Committee on 17th January 1939, as follows:-

Criticism on 17th Jan.1939.

Apart from the lack of stability and distinct deterioration, the repeated criticism urged against the working of the Congress governments is based on the grounds (1) that the Congress Executive Committees are opposed to reorganised principles of democracy; (2) that the said Committees neutralise the sovereignty of the legislatures; (3) that the party system and its discipline, which are vital conditions for the success of Parliamentary Government, are non-existent; (4) that the absence of an effective opposition takes away the wholesome restraint so much necessary to curb the autocratic impulses of a single party executive; and (5) that the Treasury Benches are intolerant and dictatorial in their dealings with the Opposition.

Subsequent happenings.

32. Subsequent happenings have, unfortunately, not only corroborated the correctness of the above observations but also revealed the breaking-down of the machinery in many directions, the existence of difficulties unthought of by the Party when in opposition, difficulties that have proved more intractable than the Party's leaders had ever hoped. Speaking at the District Political Conference at Maitha near Cawnpur in April 1939, Pandit Jawaharlal Nehru declared that many persons had joined the Congress for selfish ends, and that squabbles among Congressmen

were not confined to the rank and file, but also extended to the higher strata of the organisation. In the month of May 1939, Sardar Vallabhai Patel stated at Benares and Brindaban that there was corruptionin the Congress organisation, that violence had increased in the country, both in British India and the Indian States, that Hindu-Muslim riots were occurring everywhere, that the Congress was weakening and seemed to be losing influence, that dissensions had crept in even on petty matters, that the Congress was a house divided against itself and there was need for unity among all sections, that there was indiscipline even among prominent Congressmen, that the most tragic feature of the situation was that they had chosen to fight with each other, and that if such a state of affairs continued they shall have to confess failure and abdicate. Even Dr. Rabindranath Tagore sent a message to Babu Rajendra Prasad on 5th May 1939 stating that symptoms of disruption had manifested themselves in the Congress and hoping that peace and unity would be brought into "an atmosphere of mistrust and chaos". A few days ago the poet observed, while Pandit Nehru was leaving for China, "India herself is passing through an eclipse when her own reality is lost to her in the haze of parochial politics, sectarianism and domestic contention." While commenting on indiscipline and corruption and complaining of the disappearance of the spirit of service and sacrifice from the Congress ranks and the absence of single-minded devotion to the cause of India's freedom, Mahatma Gandhi declared, "out of the present condition of congress I see nothing but anarchy and red ruin in front of the country." Again, writing to the "Harijan" in July, 1939, he referred to the dissensions among the Congressmen themselves and the use of forcible methods by the Congress ministers within the Provinces under

their charge. On the question of non-violence he observed that Congressmen never had non-violence in their hearts, that non-violence was a method of conversion and never a method of coercion, that they had failed to convert the Princes and the English administrators, and that the Congressmen have to convert themselves before the Paramount Power and the Princes can be expected to act justly. He warned that if any mass movement was undertaken at the present moment in the name of non-violence, "it would resolve itself into violence, bring discredit on the Congress, spell disaster for the Congress struggle for independence, and bring ruin to many a home." As regards the people of the States, the Mahatma stated that "the demoralisation showed that there was not non-violence in thought and word, and that when the intoxication and excitemen of jail-going and the accompanying demonstrations ceased they thought that the struggle was over."

Growth of opposition and discontent.

33. Every close student of Indian politics is seeing the growth of opposition throughout the country. The taxation policies of the Congress Governments and the products of hasty social legislation, which do not bear the impress of all parties as in England, have created wide discontentment. No less a personality than Sir Tej Bahadur Sapru warned the United Provinces Government that "they were estranging those without whose support they would have gone to pieces, and that if they proceeded along the same lines the Provinces would be in the grip of grave dangers." There is not only a growing distrust of the dominant party by the minorities, but also unmistakable evidence of dictatorial inclinations in the majority party. A democracy cannot claim to be omnipotent and omnicompetent. "In its own interests democracy must set limits to its competence and its power. A majority has the power but not the

right to do as it pleases." A contrary proposition is reported to have been laid down by the Prime Minister of a Congress Province stating that the majority resemble the gods and are bound by no restraints and can do what they please.

Undemocratic methods.

34. The working of Provincial Autonomy from two years has brought the question of the relations between the Government and party organisations to the forefront, and on its right solution may hang the fate of democracy in India. The Parliamentary Board, under whose control the Congress Governments are functioning, cannot be said to be a democratic body since the newly franchised electorate has not taken any part in its formation. There is no objection for such a National Executive to review the policy of the various governments. But the difficulty arises when it tries to run the administration and obviously trenches upon matters which should be left alone to the governments in power. This procedure undermined the prestige of one or two Provincial Governments. It created the unusual spectacle of two Committees of Enquiries on the Bannu raid, one set up by the Provincial Government of the North West Frontier Province and another by the National Executive of the party. It led to the formation of schemes on Education and Industries, as the result of a party conclave, though they were matters of all India importance requiring the advice and co-operation of all Provincial Governments including non-Congress Governments. The work undertaken by the Parliamentary Board, viz., that of supervising, guiding in detail and co-ordinating the administration in all the Congress Provinces has perhaps proved too heavy a burden, since it is clear from diametrically opposite policies being followed

by some governments on matters of great importance. For instance, the Government of one province assists in the repeal of the much criticised Criminal Law Amendment Act, which the Government of another province finds justification for it and goes on merrily making daily use of it.

Criticism against Congress.

35. It was alleged that "delegates were canvassed, cajoled, pressed, influenced and whipped by leaders to vote for a particular resolution, thus destroying the spirit of a democratic institution," and suggestions were even made to suspend the Congress Constitution and to entrust the exercise of its functions to a single person. A liberal and tolerant outlook is an essential characteristic of democracy, though its preservation has become a matter of uncertainty, and totalitarian instincts may succeed in killing a democracy without creating a united State. If so, is it not a distressing feature that the movement which has for its declared object the removal of political subjection should demand, as a preliminary, the subjection of individual judgment and the renunciation of all initiative on the past, not only of the rank and file, but even of Ministers in whom is vested the responsibility for direction? Criticism has been made that the Congress exhibited a tendency to make the enjoyment of full rights of citizenship conditional to the acceptance of the Congress creed, that the establishment of High Command marked a departure from the sound principles of representative government and struck at the very root of the system of Cabinet Government and deprived the Ministers of opportunities of associating themselves with the Opposition and the minorities and of meeting their demand, that those who differ have an equal right for protection by the State and for a fair share and effective control in the machinery of the Government, and that unless this was done, harmonious and efficient government in the provinces was impossible. A Congress minister candidly remarked that democracy was drifting into dictator-

ship

and that towns were wavering in their loyalty to the Congress party. Is not such a phenomenon significant of a growing unrest at the Government's divorce from realities, a divorce arising largely from the adoption of dictatorial methods?

Deterioration. 36. Impartial observers must agree in Mahatma Gandhi's frank ~~analysis~~ analysis of the political situation that there has been an all-round deterioration in relations alike between the States and British India, between orthodox Congressmen and rival groups within that body, and between the major communities in the country. Sir Sikander Hayath Khan, the Prime Minister of the Punjab, who cannot be accused of being a communalist in the ordinary sense of the term, who has willingly conceded to the Hindus, Sikhs, Christians, and Scheduled castes weightage to the fullest possible extent in the services, whose ministerial colleagues include men of all communities, and whose views are entitled to serious consideration, not only by the Congress but by all those who have the welfare of India at ~~least~~ heart, is of the opinion that the atmosphere in the country is surcharged with suspicion and mistrust. He says that communal strife and bitterness are rampant in various parts of India, that there is a feeling of insecurity among the minorities who are seriously apprehensive of the future, and that the relations between the British Indian units and the Indian States are not at all happy. Competent observers believe that recent Congress activities in the States have not only alarmed the Muslims but have frightened the Indian Princes, that both have seen in the Congress activities a desire not to co-operate but to dominate, and that this is a disquieting feature which has prominently come into relief in recent months.

The Punjab Prime Minister remarks that the experience in the provinces during the past two years has shown that some of the basic principles incorporated in the new constitution after protracted deliberations are almost completely inoperative, that the so-called "safeguards" on the importance of which much stress was laid by the framers of the Government of India Act, have either been circumvented or proved

ineffective in actual working, that the ideology and the tactics of the dictators in Europe are being imbibed by some influential Congress leaders, and that it is a great misfortune that the Congress Executive should have consciously or unconsciously discarded the ideals of democracy and service, for the glamorous but dangerous precepts and methods, which otherwise they are never tired of denouncing in their public statements.

Totalitarianism.

37. This survey of the situation may perhaps seem to be rather discouraging. But it must not be forgotten that Mahatma Gandhi himself is pessimistic, and the conclusions are inescapable if hard realities are not to be ignored. Recent history in Europe showed that when a minority felt aggrieved there lay the greatest danger to the peace of the country. It has become usual for some Congress leaders to declare that there is no place for any politician in India except within the Congress party and thus to claim a monopoly of all the patriotism that exists in the country. Such a claim is always disputed, and it ignores one of the recognised pre-requisites of "Responsible Government." Allegations of totalitarianism against the Congress are being made not by minorities alone, but also by men of the stamp of the Hon. Mr. P.N.Sapru. No less a person than the Rt. Hon'ble V.S. Srinivasa Sastry pointed out how the Prime Minister of a Provincial Government had openly admitted that ~~th~~ he had brought a recent bill "regardless of law, regardless of form, regardless of regularity and regardless of those ordinary restraints that bound those who handled public affairs," and, further added "we are here not to achieve a triumph for the day but to achieve a triumph that will last, and to achieve it in ways and by measures that would stand the test of public scrutiny and public criticism." "The end justifies the means", is a dangerous western conception. It is based on the theory that service to the nation excuses all moral shortcomings. But as pointed out by Sir S.Radhakrishnan, such a theory cannot be said to be compatible with

high political morals, and what is morally wrong cannot be politically right. Emphasis is laid on the means and methods adopted by Government in a democracy, and it is this feature which distinguishes it from other forms of Government. The Spalding Professor also testifies to the existence of an increasing feeling that the Congress leaders do not brook opposition, were impatient of criticism, and were intoxicated with political power. Though he does not justify this impression, he declares that such a feeling does exist in the country and that it was one of the powerful factors that determined the last Presidential election.

Testimony of Pandit Jawaharlal Nehru.

38. Pandit Jawaharlal Nehru himself was not at all happy about the Congress ministries and the conditions that existed in the country today. According to him they did not recognise that the Congress was a democratic institution, which must function in a democratic way, and in which the will of the majority must prevail and the minority should bow to that decision. They got wrapped up in small problems and forgot bigger ones and became more and more entangled in petty things. The existing conditions could not last very long, and the want of equalibrium and the number of problems unsolved were dangerous things. He examined the credit side and the debit side after office acceptance and struck a balance sheet, and the result cannot be said to be in favour of the Congress. He admits that there have been within the Congress a growing spirit of dissension and a growing spirit of hostility and distrust, and that if these are allowed to grow the Congress cannot function efficiently. He thinks that democracy without self-control and restraint "turns into anarchy." This picture, based on the Pandit's experience of the working of "Responsible Government" in the Congress Provinces from two years

cannot be said to be encouraging; and it has become increasingly clear that the first two essential factors considered by the Joint Parliamentary Committee to be necessary for 'Responsible Government', viz: the principle of majority rule and the willingness of the minority to accept the decisions of the majority, are absent in the Congress Governments.

Lack of confidence in Government.

39. One of the congress Ministers recently deplored the adoption of undemocratic methods by opposition leaders in their attacks against the congress Government. He declared that the opponents were doing in the name of democracy many things that do not add dignity or prestige to the future of democracy in this country. While condemning their conduct he states that there was no Bill brought in by the Government which was not suspected of ulterior motives and which was not followed by a walk-out or a black-flag demonstration. The Minister also observed that the opponents had openly stated that the people had no confidence in the Government and that they were tired of it and its legislation, and asked whether such a state of affairs can be said to be real democracy. There can be only one answer to this question, and that is, that it is certainly not democracy as understood in England or as understood by those who are trying the experiment of "Responsible Government" in British India. The above facts go to prove in a convincing manner that the majority in power is unable to command the confidence of the minority and that the latter is unwilling to submit to the majority rule. This shows that one of the essential pre-requisites for "Responsible Government" does not exist in the country.

Sense of Responsibility.

40. Again, the Minister accuses the opposition leaders of not properly realising their responsibilities, and warns them to maintain discipline among their followers and "not to do or express things likely to lead to a disorder or a breach

of the peace." He points out how people in England carry on democracy from success to success and how well they conduct themselves either within or outside the Parliament, and asks whether the Opposition leaders were following the ways of Englishmen. Lastly, he says that effective measures must be taken "to stop the communal views that is being injected into the very vitals of our society". If the accusation is well founded, it affords further proof to show - what has been apparent to many thoughtful people in India - that the British system of Government is difficult to be worked by other nations, unless they possess the essential pre-requisites necessary to work such a system. A proper sense of responsibility for one's acts and for those of of one's followers is an attribute of character which cannot be put on as a garment at one's own will, and it can only be acquired as the result of political training and experience. That sense of responsibility which can be said to approach the British technique has not been developed by most of the Indians, and communal feeling has not at all been obliterated as anticipated by the authors of the Joint Parliamentary Committee Report. On the other hand, some are of opinion that it has increased rather than diminished under the system of "Responsible Government".

Respect for law. 41. The Minister's warning to Opposition leaders to maintain discipline among their followers and not to say or do anything which is likely to lead to a disorder or a breach of the peace involves a serious charge. Disorder is deplorable in any sphere. Respect for law and for the rights and feelings of others is the most vital principle of democracy and of every system of 'Responsible Government' As pointed out by Dewan Bahadur Sir T. V. Acharya, "Responsible Government" based on the English pattern cannot be successfully worked without the spirit of ready obedience

to law. He remarked that "many leading Indian politicians claimed that the democratic spirit was so natural to the Indian genius that there was no fear of an authoritarian regime ever taking root in this country. Sir T.V. Acharya wished that he could share this confidence. Totalitarian ideas were in the air and Indians had to organise their defences against those ideas. Party conflicts carried to extreme lengths, a widespread disregard for law. One of the most valuable functions which the teaching profession could discharge was, to implant in the minds of young Indians the democratic habit of obeying laws which their own countrymen had made, and which their own countrymen were charged with the duty of enforcing.

Legality of English habits and the Supremacy of Law.

42. Foreign observers have expressed great admiration and astonishment at the legality of English habits and feeling. Because under the English system the law is supreme, greater than the King, and according to Sir Edward Coke, greater even than the Parliament. The law, according to Lord Justice Slesser, requires not only law-givers, but also law-keepers, and the law-keeper is more important than the law-giver. The instinct and tradition of keeping the law is ingrained in the Englishman. He keeps the law not because it is the edict of an Emperor, or even because he likes it or understands it, but just because it is the law of the land as the judges and lawyers declare it to be. Nothing is more characteristic of English public and private life than this implicit and unquestioned recognition of the supremacy of law. The General strike in England developed a most serious situation in 1926. But when a great lawyer, Sir John Simon, pointed out that under the law of England a general strike was illegal, the whole nation implicitly accepted the verdict and the country was saved from a great crisis. Again, the world recently witnessed the most extraordinary spectacle of a King

renouncing his throne and kingdom, which belonged to him by birthright, and passing into private life, without bloodshed, without an angry word, and without the least dislocation of the nation's normal life. The abdication was made under the forms and procedure prescribed by law, and the King proceeded to the continent as if he was going there to enjoy a holiday. Such an unprecedented situation in any other country would have convulsed the whole nation, and perhaps led to civil war with disastrous consequences to the country. And it must be said to the everlasting credit of the British nation and their noble King that they cheerfully honoured the law and the Constitution through confronted with a very difficult situation. The quiet and peaceful manner in which they solved the delicate problem, is truly characteristic of the British temperament and legal tradition.// Whether in British India or in the Indian States, political advance largely depends upon the success with which communalism and all the other factors which make for discord are eliminated.

43. communal feeling

P 43. Communal feeling:

The Hon'ble Mr. V.S. Srinivasa Sastry once remarked that all the world over to-day, the comment that is made upon Indian public life is that we are our own worst enemies, and that the highest political aims of the Indian national Congress or any other political body are within our reach, the moment we overcome our weakness for which we are ourselves largely responsible. In the opinion of Dr. Arundale, a reconciliation between the Hindus and the Muslims was more important and urgent than anything else, including the question of the Indian States. While deploring the revival of communal differences between Hindus and Muslims, Lt. Col. Sir Hassan Suhrawardy, ex-vice-chancellor of the Calcutta University, observed in his convocation Address before the Mysore University that nothing depressed him more than the phenomenon of educated men, who had won high distinctions, subordinating all their learning and culture to gaining

applause or cheap popularity, having in their minds only the interests of their own community. The All India Muslim League passed a unanimous resolution advocating direct action by Muslims, who, it was alleged, were oppressed in three Provinces governed by the Congress - Bihar, United Provinces, and the Central Provinces. Sir Shanmukham Chetty thinks that the existence of communal differences is a factor to be considered by every true Indian patriot, and that according to western standards of political philosophy the communal claims are the very antithesis of Democracy. After having given serious thought to the study of the communal question as an integral problem of our political evolution during the last 18 years of his public life, he says that he has come to the conclusion that it is only when you get the courage to face the inevitability of this problem in the existing social order that you can make any political advance in India, that it is not merely a religious problem, that it exists even in communities which are bound together by the same religion and that it is no use saying that the communal problem has no place in our political life, that the communal problem in India is really a problem for sharing political power and that we need not deplore the existence of such a problem, and that if this problem is solved and the communities which have apprehensions are satisfied, then you will have laid the foundation for healthy political institutions in the country. This is, in my opinion, a correct, analysis of the situation and I heartily commend Sir Shanmukham Chetty's suggestions for the serious consideration of all constitution makers. It is a difficult problem, but so long as it is left unsolved, it is impossible to expect harmony and real progress in India. It will thus be seen that the inevitable existence of communal cleavage is a positive proof of the non-existence in India of the very first pre-requisite of 'Responsible Government' laid down by Prof. H. Laski, viz. a body of citizens who

are fundamentally at one upon all the major objects of governmental activity. Without fundamental unity there can be no representative democracy, according to Bagehot.

44.
Violence Inquiry Committee Report.

As an instance of corruption, deterioration and breakdown of the congress Government, reference may be made to the report of the Violence Enquiry Committee appointed by the executive of the Bihar Provincial Congress.

According to the ~~fidi~~ findings of this Committee, there are very few people who have genuine faith in non-violence, that acceptance of office by the Congress brought "great temptations" in the way of congressmen and attracted opportunists and political adventurers, that it demoralised even old Congressmen who wanted rewards for past sacrifices and claimed a share in the spoils, that Khaddar became a qualification for its wearer to secure jobs, that the spirit of service and sacrifice was replaced by a desire to capture the Congress organisation for other ends, that enrolment of bogus members for retaining and grabbing power became rampant, that heads were broken, riotous mobs were led to the polling stations where lathis and arms were collected, ballot boxes were removed and paper destroyed in fighting elections, and that responsible officials of Congress were not free from such practices. There can be no doubt that corruption shatters confidence, destroys efficiency, and leads to decay.

Intolerance of criticism.

45. The disorderly scenes which occurred at the Baradari Hall at Lucknow in March 1939, are indicative of a growing spirit of intolerance and denial of the rights of free speech. The meeting had been called by a number of public men including Sir Tej Bahadur Sapru, the Nawab of Chatari and Sir T.P. Srivastava to register a protest against the taxation measures of the U.P. Government. This was a perfectly legitimate object, and there was no reason for anybody to be offended by the expression of their opinions on such a public question. Yet the meeting had to be abandoned because a number of Congress supporters first invaded it, after they had been ejected by force, staged a violent

demonstration outside the hall, again made their way inside and took possession of the rostrum. In the course of a statement Sir. T.P. Srivastava, who received some injuries at the disturbance, characterised the incident as a pre-meditated and unprovoked attack upon him. All this lawlessness was done in the name of "non-violence", and it shows that the technique of non-violence is neither understood nor practicable in the face of excitement. A prominent congress leader recently issued a lengthy statement in which he declared that a wave of intolerance was sweeping over the higher ranks of the Congress leadership, that the slightest criticism of their actions threw them into a rage and that the whole machinery of propaganda in their hands was at once put into operation and the ordinary congressman terrorised into silence. Sayed Sir Raza Ali has given an account of his own experience in Delhi. Having been asked to attend and speak at a meeting, called to enlist sympathy with Indians in South Africa, he was shouted down by a hostile section of the audience because he was a Muslim, and Muslim-ruled Hyderabad was arresting Hindu demonstrators. He had been specially invited to speak, and was moreover, very well qualified to speak on the subject, and the behaviour of the crowd was quite unpardonable. To Muslims such a demonstration appears as one more instance of the intolerance of the majority community. Sir Raza Ali denounced it as such, and considered it to be a safe "index of what was in store for Indians when Responsible Government was introduced into this country." He called on Muslims to consider whether they should not oppose tooth and nail any so-called democratic system, based merely on the counting of

heads." "Intolerance, discourtesy and harshness are not only against Congress discipline, but they are taboo in all good society and are surely contrary to the spirit of democracy," was the opinion expressed by Mahatma Gandhi, alluding to the hostile demonstrations in the Central Provinces Assembly against Mr. E. Raghavendra Rao, the Ex-Premier. Unfortunately the virtues of the above formula are ignored. The overwhelming majority has, I am afraid, demoralised the party in power and made it intolerant of criticism, and there is a growing spirit of intolerance by Congressmen against every hostile criticism. And hence the third important condition laid down by Prof. H. Laski, viz., that Responsible Government should be built upon widely diffused habits of tolerance throughout the nation is non-existent in India.

Party System.

46. In the democracies of the west, well-disciplined parties are organised on the basis of political and economic ideals, and without such a party system Parliamentary Government cannot be successfully worked. In the west, religion is only an individual's private affair. But in India, religion is everything and a man thinks in terms of his religion. In India, economic ideals have not yet taken root to the extent of supplying a basis of popular organisations, and political ideals have up till now been very timidly defined. The Party system, as understood in England, does not exist in India where we have the unfortunate spectacle of the political groups being held together by no other bond than the religion into which their members were born. Hence the growth of political consciousness is slow, and political ideals have not been exalted or properly appreciated. Sir Albion Banerjea thinks that the conditions in India are not favourable for the

formation of parties as understood in England, and that democracy has no chances of establishing itself firmly on the soil of India. Democracy thrives on opposition, and it is indispensable to keep a democracy genuinely democratic. In the absence of a well-organised opposition - which is a vital necessity to the healthy growth of "Responsible Government" - unassailable power in any political party, however well intentioned, is apt to degenerate into dictatorship. Col. Muirhead, Under-Secretary of State for India, has stated that the opposition was practically "impotent" in almost every place he visited in India, that the opposition leaders never expected to constitute a government of their own and thought themselves "doomed for ever to exclusion from political power", and that it was neither of the essence nor the experience of democracies that the relative positions of majorities and minorities should be permanent. It is therefore clear that the second important pre-requisite of 'Responsible Government' laid down by Prof. H. Laski, viz., a sense in the nation that no single class of any importance in the community is permanently excluded from power, cannot be said to exist in India.

Open declarations of a Prime Minister.

47. In this connection, it is necessary to invite attention to the declaration openly made on this subject by the Prime Minister of an important Congress Province. He emphatically repudiated the idea that the Congress was running the government under the Party system, and declared that the congress objective, ideal and practice were entirely different from such a notion in which the Congress had no belief, that the Congress claimed to represent the people as a whole and that everyone should therefore look upon the

congress as representing everybody, and that the congress did not recognise the existence of an opposition party capable of taking up the government from the Congress. This is a new theory which is foreign to the conception of "Responsible Government". It is in conflict with the well-recognised English constitutional maxim that party government is the vital principle of Representative Government. In rejecting the party system and in refusing to recognise the existence of any opposition, it has ~~virtually~~ destroyed the essential virtue of democracy. If so, has not democracy disappeared in the Congress Provinces? Is it not proved by the admissions of the Prime Minister that the third essential factor of "Responsible Government" laid down by the Joint Parliamentary Committee, viz., the existence of great political parties divided by broad issues of policy, does not really exist in India?

"Opposition" under the English Constitution, and remarkable quality of the English habit.

48. Under the English constitution, His Majesty's Opposition is given a place of honour and there is consideration for those who have been displaced from office. The opposition leader has a recognised status, is given a decent salary, and the Prime Minister treats him as an equal; and this is a feature which has given charm and harmony ~~only~~ to English public life. The most remarkable quality of the English habit is, to " "allow your opponent to say his say, even when you are convinced that he is wrong", to give him the opportunity to convince those who are dubious or indifferent and "to defeat the cause you believe to be urgent", and "yet to accept the results of that defeat as part of the normal day's work." How can any honest observer withhold admiration for a people who have cultivated such estimable habits? And what wonder that other nations should find ~~it~~ it difficult to successfully

work the English constitution? Democracy is the most difficult of all forms of Government. Its high ideals require the willing co-operation of men of their own free will, and its success rests on everyone realising his responsibility to it; and Prof: H. Laski points out that, under democracy, government by discussion is the rarest of all arts, so difficult, indeed, that there are only two or three countries in the world where it has endured for ~~only~~ any space of time. Its inherent difficulties are sure to be aggravated by the adoption of undemocratic methods and disregard of its recognised principles. Democracy is boun d to fail if what is practised is dictatorship in the guise of democracy. Sir Ernest J.P. Benn, author of "Modern Government" (1938), gives a sound warning that "it is not at all healthy, that we should be boasting of one constitution and be actually living under another."

~~Criticism against the working of Congress Governments,~~ Urgent need for an alternative choice of Government + concerted action by a combination of all talents under the wise leadership of Mahatma Gandhi.

49. Criticism against the working of the Congress governments is urged on the grounds that the opposition are slighted and even distinguished leaders do not get a courteous hearing for their arguments in the legislature, that the steam Roller is freely allowed to work and legislation has become a mockery, and that it is futile to rely upon the good will of the majority for fair consideration of opposing views. Such an acute observer as the Hon. Mr. V. Srinivasa Sastry states that there is a tendency towards dictatorship of one party in India, that opposition is not tolerated and independence of judgment is not looked upon with favour, and that people are compelled to speak and vote at another's bidding. There is an increasing conviction that the absence of an effective opposition is destroying democracy in India. The activities of prominent congress

leaders in different parts of India furnish evidence of a growing dissatisfaction with prevailing conditions, and of a strong desire for ~~the~~ an alternative choice of government without which democracy cannot flourish. Mr. Jamnadas Mehta, President of the Democratic Swaraj Party, has issued an appeal to the Non-Congress groups to rally together to break "the tyranny of the congress dictatorship" and to devise a genuine programme of mass welfare. There are some congressmen who bring forward a fallacious argument that such an opposition is undesirable until the country has attained Swaraj. But true democrats and genuine patriots believe that if it be delayed until then, democracy will be dead in India and authoritarianism will have gained such a hold upon the country as to defeat all attempts to root it out. In the present atmosphere, it seems to be imperative for all well-wishers of India to welcome the attempt to create a live opposition and an alternative choice of government. India possesses the finest material for a sober, vigilant and responsible opposition, and any country would be proud of such political leaders as the Hon. Mr. V. S. Srinivasa Sastry, Mr. Venkatarama Sastry, Sir Tej Bahadur Sapru, Mr. P. N. Sapru, Dr. Chintamani, Sir Siva Swamy Iyer, Sir Chimanlal Setalvad, Mr. Jinna, Sir Cowasji Jehanjir, Sir Homi Modi, and Mr. Jamnadas Mehta, and many others. They are all liberals by training and conviction and are seasoned politicians, and thoughtful people are of opinion that there is no justification for the congress, which claims to be a national organisation, to keep out all this galaxy of political talent. A combination of these eminent and veteran leaders with the brilliant and highly patriotic congress leaders will give added strength and prestige to the whole body, and concerted action which India urgently needs at the present juncture under the

wise and dynamic leadership of Mahatma Gandhi - whose high ideals always form a most redeeming feature in every difficult situation - may help to bring about a satisfactory solution of many unsolved problems, including the questions of the Muslims and the depressed Classes who, with some indulgence and generosity, might perhaps be persuaded to join the Congress ranks. A combination of all talents will be an effective answer to the frequent charge made against the Indians, that they reveal a lamentable incapacity for collective action in public life, unlike people in western countries, and that there is something incompatible in the Indian character itself, which prevents even cultured political leaders to meet on a common platform, to discuss common subjects, and to promote the achievement of common ideals. Competent Indian observers including recognised Congress leaders have pointed out that the Indians, unlike western people, do not apply in practice in actual life the high principles and maxims learnt in congress or acquired by knowledge, and there is a great deal of truth in these observations. Courage of one's convictions, which is greatly needed for the progress and elevation of mankind, is highly developed among the English people. They have no hesitation to acknowledge their imperfections, and to expose errors and abuses in the interests of society, and courageously apply the proper remedy, irrespective of consequences. The majority of the people have a high sense of right and wrong, and invariably condemn a wrong, whoever may happen to be the author of that wrong. It must be confessed that we have to revise our notions in this respect. If there is an undoubted wrong or evil, everybody wants that somebody else must accept responsibility to point it out, and nobody ventures to apply the proper remedy. The result is that the

wrong or evil continues and matters are allowed to drift, and the usual mentality is rather to suffer and see the suffering of others, and indefinitely postpone the remedy than to courageously face the reality and check the evil. But in the west, most people courageously come forward to accept the responsibility to right a wrong or check an evil, since each man thinks that it is his duty to do so. Mr. C. F. Andrews, who is a great friend of the Indians and knows more about India than any living European, states in his latest book on India, that one of the greatest faults in the Indian character is the habit of submissiveness and apathy in the faceof wrong, instead of its fearless, active condemnation. Another weakness has been the lack of cohesion and unity in any great public cause, and a lack of that discipline which every great cause supremely needs. "The True India", by C.F. Andrews, 1939. pp.205 & 212.

Reasons for an impartial examination of the working of 'Responsible Government' in British India.

50. There is "supreme need" for a detailed and impartial examination of the working of "Responsible Government" in the Congress Provinces, since the commencement of the agitation for 'Responsible Government' in Mysore coincided with the inauguration of Provincial Autonomy in British India, and since we are unable to hold that this recent agitation is not an 'induced phenomenon' and that it is entirely the result of an indigenous growth, and we further consider that political opinion in Mysore is influenced, "for good or otherwise", by its appreciation of the working of the scheme in the adjacent Provinces. (Para 115). Moreover, we are entrusted with a grave task The welfare and happiness of six and a half millions of people are in issue, and we cannot ignore, for the sake of popular applause, the sensational happenings accross the border and their repercussions which form part of constitutional history. In my opinion, nothing

should deter us from fearlessly discharing our duty. We are concerned with principles and not with personalities, and we mean no offence to anybody. In spite of the chorus of praise of the congress administrations which has perhaps been overdone and which in my opinion ought not to be unqualified, there is strong evidence of a convincing character as pointed out in the above paragraphs to justify the conclusions that the congress is not a democratic body and is not functioning in a democratic way; that the principle of majority rule, willingness of minority to accept the decisions of the majority, the party system and the existence of an organised opposition - which are all vital conditions for any system of 'Responsible Government' - are all absent; that communal feeling which has become more virulent than before has not been obliterated; that there is no unity among the several political groups on fundamental issues; and that the conditions necessary for 'Responsible Government' have not been created as anticipated by the authors of the Joint Parliamentary Committee Report. I am constrained to observe that there is an unmistakable tendency towards dictatorship in the congress Provinces. While one High Court Judge stated that democracy was degenerating into dictatorship, another High Court Judge declared that democracy was now as good as dead and that totalitarian ideas were gaining ground, and there can be no doubt that 'Responsible Government' in British India is running at a tangent and developing itself into a pattern unknown to democracy.

Chapter III
Realisation of the goal of Responsible Government' in Burma.

Chapter III

51. Constitution-making is a difficult art, and Lord Irwin has stated that the difficulties with respect to India were found to be of a formidable character. It has been stated that India has become a laboratory for Englishmen to make constitutional experiments.

Majority opinion is also against adopting model of 'Responsible Govt' in British India.

Every experiment is being preceded by exhaustive enquiries by specially appointed committees and publication of voluminous reports, but no satisfactory solution to the constitutional problem of India has yet been discovered. Within a short period of twentyfive years two constitutions were framed, tried, and finally given up as being inadequate. The Simon Commission appointed in 1927 made an exhaustive enquiry into the whole subject of the form of government best suited to the people of India. Their recommendations were examined and re-examined for a period of five years, and the Government of India Act was passed in 1935. The result of the working of 'Responsible Government' in British India is not such as to recommend it as a perfect model to be adopted in Mysore. It is still on its trial and has not yet passed the stage of experiment. Political leaders of every shade of thought in India have condemned ~~it~~ this carefully guarded instalment of reform as being "almost entirely illusory". The majority of my colleagues are admittedly not satisfied of the result of its working in British India. In view of the prevalent illiteracy and peculiar social conditions in Mysore, they consider that it would be futile to copy the British model of 'Responsible Government' and recommend that it would be wise for Mysore to 'hasten slowly' on her own path of constitutional development. They also hold that it is very difficult to be sure whether 'Responsible Government' in British India will at all develop on the lines of the original model. (Paras 115 & 116 of the Report). Therefore there is no difference of opinion between me & my colleagues in this respect.

and one of the Congress Ministers plainly told the reporter recently (6-7-1939) that the government had not yet become thing under the present constitution.

Plea for Declaration of goal based on confusion. Majority opinion is against copying the ~~British~~ model of Responsible Government in British India.

52. In ~~the face of these~~ view of these definite findings, which are expressly against the adoption of such a system, their recommendation in favour of a Declaration of goal in terms of 'Responsible Government' seems to be inconsistent, and with due respect, I beg to strongly differ from them. In the first place, I am not at all in favour of ~~the~~ the declara-

of a goal for which there is absolutely no justification. The argument in favour of having a "system of 'Resonsible Government' as the goal", seems to be based on a confusion of two different conceptions. Democracy or Responsible Government is only a means to an end and not an end in itself, and hence there is no point in having a particular form or machinery of government as the goal of a State. The word "Goal" comes from Fr. 'gaule', which means a pole; the mark set to bound a race; the place at which a race or a journey is to end. Hence, "Goal" means the final purpose or aim; the end to which a design tends. John Stuart Mill and Prof: H. Laski are of the opinion that the end and aim of the British constitution is the welfare and happiness of the people, and Prof: Keith stated that the object of 'Responsible Government' is also the welfare and happiness of the people. It is a truism that the end and aim of every form of government in the world is the welfare and happiness of the people, which is only another form of Bentham's famous doctrine of "the greatest happiness of the greatest number." It is a mistake to suppose, if the present recommendation for a goal implies any such suggestion, that the Mysore constitution has developed during all these 58 years without a plan, object, goal, or well-defined policy; and such a presumption will be an undeserved slur on all the talented Indian administrators who have contributed to the great success of that constitution. On the other hand, the high ideals maintained and scrupulously pursued by our saintly Ruler are really inspiring. On the completion of the twentyfifth year of his reign, he sent this loving message on 8th August 1927, "I send my loving greetings to each one of my dear people, with a heart full of solicitude for their happiness. With increasing effort I shall, while life lasts, endeavour

to promote their welfare and prosperity, and I pray that God may give me light and strength to achieve this, the supreme object of my life and rule." To this Committee he sent the following gracious message:-

"At the outset of your enquiry I wish you Godspeed in your labours. For the past thirty-six years I have watched with profound satisfaction the progressive association of my people with my Government, having as my single aim the prosperity and happiness of all classes, and always the hope that Mysore may play a worthy part in the progress of India as a whole.

I trust you to keep these same objects before you in planning a further development, and I pray that you may succeed in evolving a scheme that will blend Western ideas of progress with our own traditions of Satya and Dharma."

Goal declared by His Highness is more exalted than what is suggested by the majority.

53. Mark the words, "I trust you to keep these same objects before you." Can there be a more noble or lofty aim, object, or goal than what ~~is~~ has been declared in the above gracious messages? Is the above goal not evidently ~~higher~~ more exalted than that contemplated in the recommendation of the Committee which prefers merely a particular form of Government, instead of the ultimate object (goal) of that and every other form of Government? In 1933, Lord Willingdon made an appreciative reference to the lofty ideal maintained by His Highness:- "The People have every reason to feel proud of the good of this great State. They are fortunate in having a Ruler whose whole life has been devoted to the welfare of his people." Judged by the standard of ideals, achidvements, and character His Highness the Maharaja is easily the greatest of all the Indian Princes. This is the unanimous verdict of history, and a similar view has been expressed in a recent book on India by Mr. Leonard M. Schiff, which contains a ~~forward~~ foreword by Pandit Jawarlal Nehru. "The Present Condition of India". (1939). p.114.

Elastic machinery of Mysore Constitution based on British Standards, not inferior to 'Responsible Govt' in British India.

54. The Montagu declaration of 1917 has evidently influenced my colleagues to support the recommendation in favour of the goal of "Responsible Government". But there is no analogy between the machinery of the Government of India in 1917 and that of Mysore in 1939. In British India the old structure did not admit of development, and it had become in the words of E.S. Montagu, "too wooden, too iron, too inelastic, and too antidiluvian to be of any use for modern purposes," (Report of Minto Morley Reforms, 1918, p.67). A new structure had to be created, and hence the objective set out in the announcement of 1917. But the Mysore constitution is "sufficiently flexible to expand with the expanding political consciousness of the people," as described by His Highness in his gracious message delivered on 12th March, 1924, to the Joint Session of the Representative Assembly and the Legislative Council It is neither "wooden, iron, nor antiquated." On the other hand, it possesses an elastic machinery which admirably serves modern purposes, and admits of suitable adjustments to meet new conditions and new requirements. It has remarkably stood the test of time and has great achievements to its credit, and cannot be said to be inferior to the new system in British India which is still on its trial It has brought prosperity, contentment and happiness to the country, and "its blessings and enlightened progress are everywhere in the ascendant" as remarked by an Ex-Viceroy. The Mysore constitution is based on the strong foundations of British standards, principles, and methods of administration laid by British experts during the British Commission days, and this unique feature deserves to be ~~remark~~ constantly kept in view by all framers of constitutions. There is no good reason to hold the new system in British India as Sacrosanct and to decry the Mysore system. The inauguration of the Representative Assembly in 1881 was

in itself a bold conception. It was a great political experiment which introduced democratic principles for the first time into an Indian State, and it afforded a wide scope for developing the political consciousness of the people. It was inspired by a lofty ideal which had, at that time, no parallel anywhere either in the other Indian States or in British India.

Mysore Constitution has been democratised & needs no declaration of goal.

55. The Mysore constitution, as already observed, is based on the British model; and British Parliamentary methods of government have been steadily introduced to democratise the constitution as much as possible. Our sagacious Rulers, who possess a natural instinct for modern conceptions of good government, have of their own accord liberalised the system of government to an extent unknown in other Indian States and have placed the Mysore constitution on a democratic basis. The actual framework of popular government is already there. It is well-known that the cherished ideals of good, stable and progressive administration of our saintly Ruler have achieved beneficial and enduring results. His Highness has shown that, like other great principles, the monarchical principle in Mysore has a unique significance and possesses great possibilities. In short, "Model Mysore" has mastered the tas~~te~~k of good government for upwards of half a century and impressed the world with phenomenal success. Princes of small and ~~big~~ large States are delighted to come to Mysore to study the working of the Mysore constitution in order to find out the secret of its success. Is it not strange for my colleagues to say that "Model Mysore", at this stage of continued progress, requires a solemn declaration of goal for her guidance? If she has done well for 58 years without such a declaration, why should it be inflicted upon her now?

'Responsible Govt. in Mysore' is only part of the larger question of 'Responsible Govt. in all the I. States'.

56. In the next place, the demand for 'Responsible Government' in Mysore is only a part of the larger question

of agitation in British India for 'Responsible Government' in all the Indian States, which has already been dealt with in the earlier portion of the note (paras 1-23). It is not supported by authority or precedent, and all the arguments urged against the larger question apply with equal force to the Mysore question. Similarly, the remarks already made on the ~~mints~~ merits of the question of 'Responsible Government')paras 24-29)~~d~~ also apply to the question of 'Responsible Government' in Mysore.

P. Mahadevappa

Demand for Responsible govt. is a slogan.

57 The demand for 'Responsible Government' is a slogan to capture the imagination of the people. We are living in an age in which we repeat slogans, and in which our minds are moulded by propaganda. Congressmen and the supporters of the Congress live on propaganda, and there is a great danger of our being deceived by catch phrases. The masses are fed on slogans, and leaders produce crisis after crisis to retain their leadership. It is pitiable how a few slogans even amongst the educated young men create a mob psychology, in which the most gentle and the gentlemanly lose their bearings. Pandit Jawarharlal Nehru advised people not to be swept away by slogans and warned them that dangerous things might happen, as in other countries, if they allowed themselves to be gudded by them. An ex-President of the Congress and a prominent Congress leader says that the propaganda mentality for which newspapers, politicians and others were responsible, really sapped all independent judgment. What the country needed at present was a critical perception of the currents and tendencies of things which were happening, and not an uncritical propaganda mentality. These remarks apply with great force to the present conditions in Mysore.

No need to make a fetish of it

58. If it is true that originality and adventure indicate real progress, why should these virtues not be appreciated and their possessors honoured when they happen to be Indians as in the case of Mysore ? While unduly exalting western institutions, why should we be blind to the virtues of Indian institutions built up by great Indians? Though I have a great admiration for the many estimable qualities of the western people, and also not at all unmindful of the various blessings enjoyed by India under the British rule, still I hold that a western institution is not sacrosanct. With due deference, I beg to state that there is really no magic in the expression 'Responsible Government', and there is no need to make a fetish of it. There is a rage for imitation of western institutions and methods. The existence of

much loose thinking about 'Indian Nationalism', during the present transitional stage through which India is passing, has been forcibly pointed out by Sir S.Radhakrishnan who expresses surprise at the strange mixture of inconsistent moods among many leading Indians. He says:-

> "In the minds of many of our leaders the antoganism to British rule is strangely mixed up with a love of British institutions. They are more anxious to westernise our country so as to make a replica of Europe .... We are violently western in some moods, and violently Indian in others. We are transitional creatures burdened with uncertainties, with chaos in our minds."

Right of Indian Princes to preserve their own constitution.

59. The system of 'Responsible Government' in British India has lost much of its early attraction, and its glamour need not blind us to a just view of the virtues and potentialities of the existing constitution in Mysore. The proper constitution of a country is that which bears the closest relation to the life of the community and to the well-being of the individuals who compose it. Again, a constitution should further be evolved from previous experience of what had gone before, and not from the experience of some body else under entirely different conditions. The Indian Princes believe that, as custodians of ancient dynastic traditions, it is their duty (if not right) to preserve their identity and peculiar constitution with their particular fields of ~~endaxa~~ endeavour. They also hope that, uninterrupted by outside interference, they can make experiments in administration which may in some aspects be usefully followed by their neighbours (Modern Reveiw, June, 1937, p.647) This is a perfectly legitimate claim, and there is no valid reason why the Mysore constitution which has been working successfully from upwards of half a century should not continue to function as before, ~~being~~ and evolve what has been proved to suit the peculiar genius of the people. ~~bending its "expanding" and elastic machinery in such a way as to suit new conditions and new requirements.~~

Message of justice Ranade.

60. The late Justice Ranade had a practical grasp of the issues of modern progress. The principles for which he stood are ~~beginnin~~ beginning slowly to re-assert themselves after a period of eclipse by the Non-co-operation movement. He was an illustrious thinker and possessed a most massive intellect which India had produced for nearly a century, and his message was:-

> "Not to have faith in the method of rebellion in any sphere of life. To have a firm belief in historic continuity, and in the necessity of linking up the present with the past, in order to make progress a living force, Do not trust sudden and revolutionary changes, but have ~~prfcn~~ profound belief in slow and steady endeavour as the only sure means of effecting beneficial and permanent changes in a nation's life".

He pointed out:-

> "In human affairs it is not true that our past is always dead and buried. Nothing that our fathers have done is dead for us. It is a living force..... If to resolve were the same thing as to act, life would have no difficulty, and no discipline".

He was not the man to obey a blind impulse unless it had the sanction of his reasoned conviction. He had convinced himself by his deep study of Indian history that the method of assimilation, and not that of rebellion, is the one most congenial to the genius of the Indian people, and, therefore, most likely to yield lasting results. Every one of his arguments supports the plea in favour of the preservation of the Mysore constitution in preference to the new system of 'Responsible Government' which is on trial in British India.

Method of assimilation most congenial to India. (Lord Irwin). I. States may devise their own forms of popular govts.

61. Lord Irwin (now Lord Halifax), who is known to be a friend and sympathiser of India, also urges the vital need for the method of assimilation in India. He points out that the gradual organic process by which political institutions have been moulded in

other lands has had no place in Indian history. Hence such institutions as India has today have been imported, almost entirely, from outside; and, further, these institutions, the principles on which they are based, and the ideas with which they are associated, have all been imported into India when their development was already far advanced. It was inevitable therefore that their introduction into the virgin soil of India should produce strong reactions. This is a factor in the development of political life in India which must always be borne in mind, since it throws light upon many of the phenomena familiar in Indian politics; and it may truly be said that the whole of India's political life vests to-day on a precarious basis. Thus, the Indians have now before them the vital work of properly assimilating this development, of making the principles and ideas on which it is based their own, of giving its institutions and organs a specifically Indian form, of fashioning them to fit Indian conditions and ways of thought, and, above all, Indian character. Lord Irwin most pertinently says:- "We can no more give India a ready-made constitution than a midwife can give a woman a grown-up child of her own body. Every country must perfect the spirit of its own constitution out of its own being and traditions. No matter what the British have done in the past, or may do in the future, to foster the growth of institutions and reforms in India, these without the creative contribution that India alone can supply will remain no more than adhesions on the great trunk of India's life. Their sap will not blend with hers, as blend it must, if the fruit borne is to be for the true healing of India's ills". This is a genuine expression of opinion of the Indian political situation today, and before the vital work of assimilation has been achieved, it is too premature to say that the experiment in British India is a success; nor can true political life be said to exist in India at the present moment. The two words "political life", according to Lord Irwin, "denote a

range of activities of mind and body constantly devoted to the creation, development, and protection of nationality". "The nature of nationality is dynamic. Nationality is to a people what personality to the individual, and to be a nation men and women must be capable of thinking and acting as a unit in all that matters most; and they must be prepared to sink all differences of class, religion, and material interest for the sake of the common good". National feeling in the above sense is a prime necessity for the establishment of true political life; and unfortunately, it does not exist in India, including Mysore at present. Whether the pattern of 'Responsible Government' given under Provincial Autonomy is in itself unsuitable, or whether the Indians themselves are yet unprepared to successfully work the Parliamentary system of government, or both, democracy is working badly in India and the experiment is far from being satisfactory. When forms of government are on trial and none has definitely passed the test, how can one dogmatically say that the system in British India is better than the system existing in Mysore?. Again some competent observers are of opinion that the British Parliament made rather a fetish of democratic institutions, and that the framers of the Indian Constitution began with a wrong objective. To have recognised communal electorates on the one hand, and established responsible Government on the other, was a fundamental mistake. They introduced a broad franchise combined with separate electorates and transferred power to the masses without taking Indian social conditions into consideration, and relied on the special powers of Governors to safeguard vital interests. But as soon as provincial autonomy was introduced, it was discovered that the special powers of the Governor were not compatible with Cabinet responsibility to an elected legislature. The result

is that great changes are taking place in the provinces. In none of the provinces is there an effective opposition, and without effective opposition the majorities are likely to become dictatorial. The Indian States have freedom to devise other methods of popular government, and if they are wise they should not repeat the same mistakes. And hence the need for "Model Mysore" to proceed with great caution in the difficult path of constitution making. At any rate, there is no ground for hustling. The new form of government in British India has not definitely passed the test, and any hasty imitation may prove dangerous.

Democracies moulded in different forms. & Mahatma Gandhi's formula.

62. It has to be remembered that modern democracies are not all cast in the same mould, but are moulded in different forms in different countries. While the system of 'Responsible Government' in British India is cast in one mould, the Mysore system represents another pattern of democracy, the process of democratising having commenced ~~as~~ so long ago as in 1881. We are not concerned with mere forms of democracy, and what matters most is the spirit and manner in which it is worked and the character of those who work it. It is well known that democracy, by itself, does not bring in the millennium. Dr.E.Asirvatham, Professor of Politics, Madras, recently gave currency to the idea that a great number of people had interpreted democracy in a technical and narrow sense. He believed that democracy is not simply a form of government, and that it must be understood in five different senses; namely, as a form of government, as a type of State, as an order of society, as an economic or industrial condition, and as a moral and spiritual principle (The Hindu, dated 19th August 1939). And Mysore can very well be described as a democracy in more senses than one. According to Mahatma Gandhi: "The science of democracy did not centre in the numerical majority or in numbers, but ~~in~~ it lay in the spirit behind even one person. Even one man could represent a whole democracy if he identified himself with the people. There were no

special virtues in a big body". (The Evening News of India, dated 28th October 1934). So the spirit of democracy consists of the principle of identity of interests between the Government and the people according to this formula. It was exactly on the basis of this very principle that the Representative Assembly was inaugurated in 1881, and it is as a logical consequence of the said principle that constitutional development has proceeded from 58 years. Mysore, as a democracy, fully satisfies the test laid down by Mahatma Gandhi; and judged by ideals and achievements, the Mysore constitution must be pronounced to be decidedly better than the system of 'Responsible Government' in British India.

Sir Shanmukham Chetty on correct method in Democracy.

63. Sir R. K. Shanmukham Chetty holds that democracy is seriously concerned with the means adopted in the machinery of government, that it might be stated as a postulate in the study of democracy that the starting point for democracy is the method adopted by Government, and that the correct method in democracy is the recognition of the principle of participation or association of the people in the machinery of the Government. This democratic principle has a long and interesting history in Mysore, since the policy of associating the people with the administration was inaugurated at so early a date as 1881, much in advance of any similar development elsewhere in India. Constitutional development has proceeded on the same democratic principle ever since, and Lord Samuel recently complimented Mysore for having set the "fullest example of associating people more closely with the government." My colleagues, for whom the term 'Responsible Government' has somehow a great charm, have rejected the conception of "association" as being "stale" and useless (Para 119), while Sir Shankmukham chetty has recognised it as being the vital principle of participation involved in the correct method in democracy. They have not ~~[illegible]~~ shown any authority in support of their view, and have not proved that the policy of participation or association of people with the Govt. has lost all its virtues as a democratic principle in any democratic country.

The words "Responsible Govt." not necessary according to Mahatma Gandhi.

64. ~~in any democratic country.~~ While Mahatma Gandhi and Mr. Vallabhai Patel have declared that it does not matter whether the words "Responsible Government" occur in the constitution or not, so long as the administration is based on democratic principles, my colleagues have elected to take a contrary view and seem to think that there is something sacrosanct in the expression "Responsible Government"! It may be of interest to note that in the Address delivered by His Highness the Maharaja on 12th March 1924, which in the opinion of my colleagues is a constitutional document of great and enduring importance and which is said to inculcate "ideals that are as true and as applicable to-day" as when they were ~~pronn~~ pronounced (para 76), His Highness has expressly declared that "all constitutional progress relates to the enlightenment of the people, and the quickening and the utilising of their energies in the business of the State, and that progress of this kind has been the constant aim of the Government of Mysore." The noble aim or "goal" of His Highness "could not be put ~~but~~ in more perfect language", as observed by Sir Wardlaw Milne, M.P. If this ideal is as true and applicable today as in 1924, as admitted by my colleagues, how can they say that the democratic principle of association or participation of people with the Government has become "stale" and useless? Again, in the face of the declaration of His Highness that such progress is the "constant aim of the Government," where is the need for the declaration of another "goal"? While the formula of Mahatma Gandhi, according to the science of democracy, rightly gives greater prominence to the principle of identification of interests between Government and the people than to mere numbers and counting of heads, which in the opinion of the Mahatma "do not possess any special virtues," my colleagues have thought fit to ~~nn~~ reverse this principle and attach greater importance to numbers and the mere form of government. [~~They admit that it is the principle of identity of interests that has inspired all~~

constitutional developments in Mysore since 1881. They also admit that in the successive schemes of reform adopted in the State during the last 58 years this purpose has found progressive fulfilment. But, strangely enough, they believe that the perfection of this policy lies in the establishment of 'Responsible Government' (para 117). They have not stated what exactly were the reasons which supported that belief, and I confess to my inability to follow the lines of reasoning adopted by them.] Dr. Pm.

Reforms recommended to make the constitution fully democratic.

65. It has to be pointed out that altering or modifying the constitution of the Representative Assembly and the Legislative Council, as proposed by our unanimous recommendations, in material particulars so as to increase the popular element and give increased powers to the two houses, and especially to the Legislative Council, is one way of making the Government really responsible to the people. The Legislature is the source of power in the constitution. On it depends the nature of the government and its policy. It represents the principle of democracy, and it is the link between the people and the Government. Its conduct will be the touchstone of the working of the democratic system. The recommendation for the appointment of two non-official members is another forward step. It is an unmistakable recognition of the principle of responsibility to the people, and is an additional proof of the ~~xxxxxxx~~ really progressive character of the Mysore model, which is "elastic, expanding with the expanding consciousness of the people". In fact, the scheme of reforms unanimously recommended by us contains most of the features of a fully democratic constitution, except the responsibility of the ministers to the legislature. But this is not an indispensable condition for every democracy. For instance, in the United States of America, which is the largest and most powerful democracy in the world, the ministry is not responsible to the legislature as in England. It is independent of the legislature, and cannot be removed during the four years which is its term of existence.

(Chamber's Encyclopaedia, Vol X, P.323). Hence, the Mysore pattern cannot be said to be less democratic on the ground of the absence of ministerial responsibility to the legislature. What does it matter what the political theory is in the adjoining provinces? It is safer to progress on proved lines than to imitate precarious innovations.

Real Swaraj in Mysore. 66. A great poet has said:- "

"For forms of government let graceless zealots fight;
whatever is best administered is best."

Another great poet says:-

"The man who can make two ~~ears~~ ears of corn, or two blades of grass, grow on the spot where only one grew before, would deserve better of mankind, and render more essential service to the country, than the whole race of politicians put together."

These famous maxims contain a great amount of political wisdom for all time, and no amount of sophistry can destroy their intrinsic value. Judged by this standard ~~Considered from this point~~ the progressive State of Mysore scores a point over British India. The entire personnel of the Mysore administration with a few exceptions, is national, Indian, and even Mysorean, from top to bottom, from the highest to the lowest, from the Dewan to the Police Constable. How long will a British Indian Province take before it can have an Indian Governor as a Ruler? It goes without saying that a national personnel in administration and in the services, automatically realises to a large extent the ideal of self-government or "swaraj". It is no mean advantage to Mysoreans that theirs is a Government of the people for the people, and the sons of the soil are in charge of the Administration. It may be of interest to add that Mysore has in practice adopted and is working Congress ideals. It is well known that the Khadi Industry is encouraged from upwards of ten years, and the development of rural and cottage industries is proceeding under inspiration from Wardha. Thus, the constructive policy of the Congress is actually in operation, and this is a unique feature in Mysore.

Moreover, it is important to bear in mind that, according to John Stuart Mill, the purpose of the British Constitution itself is the attainment of good government. So that 'good government' is a political ideal that deserves to be honoured and not deprecated. P.m.

Mysore democracy is more beneficial than Responsible Govt.

67. The Mysore pattern of democratic government is efficient, pure, responsive, more beneficial, more stable, and possesses greater potentialities in practice and actually working, though not in theory, than the system of 'Responsible Government' in British India. It is fashionable to quote the slogan that "Good Government is no substitute for self-government". The chorus of praise bestowed upon it has been overdone. It is purely a western conception, and it is inapplicable to a State like Mysore. In my opinion, it is more appropriate to State that "bad self-government is not at all a substitute for good government". The difference in traditions, history, environments and genius of the people between Mysore and British India should not be forgotten. The pattern of democracy in Mysore cannot be attributed to any struggle between the sovereign and the people, as in British India, and it is the outcome of a spontaneous desire on the part of the wise Rulers of Mysore. Therefore, the analogy of British India and the arguments of Congress leaders for "Responsible Government" do not apply to Mysore. It is curious that my colleagues in their overenthusiasm for "Responsible Government", should have taken for granted that it is a better system and that the Mysore pattern is inferior. They have not discussed the merits and demerits of both the patterns and the political theories on which they are based, and they have not proved that 'Responsible Government' is a better system. In the absence of such proof, there is no reasonable justification to exalt the one and condemn the other. While the experiment of the new system is still on trial in British India and has not passed the test, and they themselves hold that it would be futile to copy the British model and that its future development is doubtful (Paras 115 and 116), what exactly are the principles of political ethics which can be said to justify their presumption in favour of 'Responsible Government'? If the Mysore pattern has been found to be good for 58 years, as conceded by my colleagues, that itself is an argument in favour of its continuance. How are they entitled

to presume that it will deteriorate in the future? The burden of proving the superiority of a new system of Government lies on those who advocate the adoption of that system. Have they discharged this burden satisfactorily? The pre-ponderating bulk of opinion before the Committee is against 'Responsible Government'. My colleagues accept this opinion as sound, and also hold that the existing Mysore pattern is good, and proceed to make all the recommendations to further democratise the constitution on the basis of this conviction. But as regards the subject of Goal of 'Responsible Government' and its definition in the terms of a formula, they suddenly develop a liking for the British Indian system and entirely reverse the principle on which they have based all other recommendations. It is not open to them to accept the principle for one purpose and reject the same principle for another purpose, and I am sorry to say that consistency has lost all its virtues in the estimation of my colleagues.

Duty to face present facts and not to speculate about future.

68. My colleagues are emphatically of opinion that the present level of political consciousness of the people at large would not justify the grant of Responsible Government (para 88). The exact conditions of political life which might exist at a future period, the exact direction in which political awakening may run, and its possible future developments, are matters which do not admit of speculation. These are vital matters on which any adjustment of the constitutional machinery of the future must naturally depend. How can anybody now claim to make a correct forecast of the future? Our duty is to face facts as we find them and adapt the constitution to existing facts. It is not our function to speculate about political conditions that might exist at a future date and claim to make a constitution in advance to suit such conditions. It is interesting to note the sound advice given by a distinguished congress Prime Minister in this respect. He states that it would be difficult for people today to forecast

what might happen or what would be the circumstances and duties of people some decades hence, and that people might concern themselves with their own times and not quarrel over what might or might not happen in the years to come. He also points out that the Indians are young, and what they want is good government, strong government, and steady government.

Function of Committee under terms of reference.

69. In this connection, I may be permitted to ask whether it is not the function of this Committee to confine its attention only to the present and not to attempt to make any venture for the future. To my mind the terms of reference contained in the Government order dated 1st April, 1938, seem to be clear beyond any doubt. The first paragraph of the above order refers to certain resolutions discussed in the Legislative Council and the promise made by Government in January, 1938. These resolutions and the promise, which led to the issue of the G.O., certainly referred to the present requirements of the country and never contemplated any scheme for the future. This is further supported by the express limitations contained in para 11 of the G. O. It lays down that the committee's proposals must be based on "the present state of education and public spirit, the growing political consciousness of the people and other relevant factors." If recognised canons of interpretation are to be honoured, it is difficult to justify the recommendation for a declaration of the goal of 'Responsible Government' for a future and uncertain occasion. Again, there is a second limitation contained in paragraph 12 of the G. O. It requires that the recommendations must be based "on the ideals and principles enunciated" in the gracious message of His Highness the Maharaja dated 12th March, 1924. But I am constrained to observe that the recommendation for the goal of 'Responsible Government' is a violent departure from the ideals and principles enunciated in the above message. Though they are praised in paragraph 76 of

They are ignored in paragraphs 117, 118, 119 and 121.

of the report, [If the Address is a "charter of political liberties", guaranteeing the rights and privileges of the subjects, where is the need for a recommendation for the declaration of a goal, after 58 years of good and enlightened government?] If the constitution is "sufficiently flexible to expand with the expanding political consciousness of the people," and has achieved great success from 58 years, without any signs of deterioration, why has a recommendation been made to replace it and destroy such a useful machinery? If the "keynote" of the Address can be described as "the continuity of planned constitutional progress," where is the justification to recommend a new plan and a new scheme based on an unproved political theory, which is in direct conflict with the Mysore model, and which is still an experiment on trial? If stability is deemed to be a virtue, which of the two systems has got greater chances of success and durability? ~~stability~~? Moreover, paragraph 12 of the G. O. wants the Committee to make recommendations for "the development of the constitution" and not for its destruction; and 'Responsible Government' cannot under any sense of that expression be understood to be a "development" of the existing constitution. So far as the opinion of His Highness the Maharaja is concerned, it admits of no doubt whatever. He has declared, on 20th October, 1926, that "in any reconstruction of our social, political, or religious policy, we could not, and should not, cut ourselves off from all our historic past and that our future must have its roots deep in the past" (Speeches of His Highness the Maharaja, p.106). The further limitation contained in paragraph 4 of the G. O. provides that all new constructions to-day must be built on Dr. Seal's political theory of Government in Mysore, based on the fundamental ~~basic~~ tradition of the Sovereignty of the Maharaja. Under 'Responsible Government', the sovereign and the people or again, the executive and the legislature, are rival authorities working by means of checks

and counter-checks. Under the Mysore political theory, there is constitutional unity of the Head and the people, and "the head creates and uncreates Ministries and ratifies or vetoes the acts of the legislature, by virtue of his inalienable unity with the people." (Dr. Seal's Report on Constitutional Reforms, p.18) My colleagues hold that this ~~xxxx~~ theory is fundamentally sound, that all power and authority are derived from the Maharaja, and that any scheme of constitutional reform could be only by means of devolution of powers from the Maharaja (para 107); If so, how can they reconcile this admitted theory with their recommendation of 'Responsible Government", which requires the ministers to be responsible to the legislature and through them to the electorate? Under Dr. Seal's political theory, which my colleagues have accepted the Maharaja is supreme. But under the theory of 'Responsible Government', the people's representatives are supreme. These are conflicting theories, and it is impossible to grant 'Responsible Government' without destroying ~~reducing~~ the Maharaja's Sovereignty. ~~to a shadow.~~ - The theory of the Sovereignty of the people is a western conception unsuited to eastern soil; it has been rejected by four-fifths of Europe and the whole of China and Japan. To introduce such a theory and to recognise the supremacy of the people in Mysore is to create a rival authority against the Maharaja and to destroy his ~~sovereignty.~~ traditional powers and prerogatives. It must not be forgotten that democracy has now lost much of its original charm. The enthusiasm for it was so great in the nineteenth century that it was regarded as a panacea for all the political distempers of a country. But at the end of the World War it lost its hold on people, and it became less attractive. It did not also ~~acclim~~ acclimatise itself in other lands, and Professor Hans Hallersiea, in his brilliant work on Democracy, has expressed the opinion that Parliamentary Government of the nineteenth century type will sooner or later disappear.

pm.

I do not think that my colleagues were in order in having entered into a discussion on the supposed "reactions" of a scheme which His Highness has sanctioned ~~&~~ which is working in the State ~~for~~ from 18 years. In my opinion, it is entirely outside the scope of this Committee. The subject was never discussed in the Committee. No resolution was passed about it, and it was not proper to have introduced it into this report. P.M.

72

The Miller Committee Report and the Visveswaraya Committee Report.

70 As pointed out at the meeting of the Committee, it appears to me that the reference to the Miller Committee Report in paragraph 80, is quite irrelevant for the purposes of this Committee. It is a very controversial matter. There is much to be said on both sides of the question, and there is no justification to take this opportunity to cast ~~my~~ any reflections on that Report. The existence of communal and political discord is a prominent feature in the social and political life of Mysore; and this is admitted in paragraph 85. ~~Those~~ There are sources of friction between groups, and the feeling has not been implanted in all that on the common plane of citizenship perfect equality is the right of the votary of every sect in the country. The impression in the minds of the Muslims is, that 'Responsible Government' in Mysore means the majority rule of the Hindus, in which they have no confidence. The great quality of tolerance is needed in Mysore, where politics is largely mixed up with prejudices. There is a good deal of lip service paid to the principle of so-called "nationality," which really does not exist. Even responsible men are generally not free from having a communal outlook, and communal concord is to-day an empty phrase. A certain homogeneity in the people is the first requisite of 'Responsible Government'. The existence of ~~extra~~ caste, which carries a great emphasis in Mysore in spite of professions to the contrary, is the very negation of democracy. A social system, that prevents ~~from~~ free intercourse between group and group by making them high and low, and bestows ~~privi-~~ ~~leges~~.

"Any controversy becomes a Communal question within forty eight hours in British India," according to the Under-Secretary of State for India; and I think it is no exaggeration to state that in Mysore it takes only twenty four hours to assume a Communal complexion. P.M.

privileges on some while imposing disabilities on others, has clearly no place in a democratic society. If there is to be real progress, ~~It is no exaggeration to state that~~ our social system must be based on the equal dignity of all human beings. Those requisite conditions which alone can inspire faith in a legislature's capacity continuously to control its executive do not exist, and before such conditions are created I am afraid it is not wise to think of any form ~~make a declaration in favour~~ of "Responsible Government", which is too advanced and difficult an ideal for this country. Experience in British India has already shown that it is dangerous to make such experiments on comforting anticipations. The reference to the findings of Sir Visveswaraya Committee in paragraph 81, is also irrelevant for the reasons stated by me at the meeting. It deserves to be mentioned that the remedy suggested by the above Committee, on what they called "the problem of how to allay political discontent", did not commend itself to the Government who pointed out, in their final order, that riots cannot be abolished by a change in the form of Government, a proposition the correctness of which has been amply proved by the experience of British India for the last two years. In this connection, it is worthy of note that the Visveswaraya Committee have recorded their finding, that "the association between the Government and the people in Mysore is closer than in British India, and the public have great confidence in, and entertain feelings of

~~loyalty~~

loyalty and respect to the person of the Ruler of the State" (para 128 of their Report). This reveals the great difference that really exists between the conditions in ~~of~~ Mysore and those in ~~of~~ British India, where the solemn pledges given by British Ministers had remained only in words and not been translated into action. The long postponement of any announcement of future policy of British rule in India had perplexed all shades of political opinion, and there was universal demand for an explicit statement of the object of British rule in India, and these were the circumstances which led to the declaration of the goal of "Responsible Government" in India on 20th August 1917. The case in Mysore stands entirely on a different footing. There are no deeply-rooted grievances, administrative, political or economic, against the present constitution which has been greatly democratised. The cleavage of interests in British India between the rulers and the ruled does not exist in Mysore, where there has been a remarkable identity of interests from 58 years, bringing about a "harmony which has been the admiration of outsiders" (paragraph 79). The development of the national movement in British India, and the technique adopted by it and directed against foreign domination, are "certainly out of place when copied in a State with the traditions of Mysore" as admitted by my colleagues. (paragraph 85). In British India, talent and ability have for many years obtained a satisfactory outlet in public life, and nearly every Province can claim a longer period of political consciousness and a larger class of politically-minded men than Mysore, where the growth of such

Unlike British India, the irritation of administration by an alien bureaucracy is altogether lacking in Mysore. P.T.M.

classes has been slow, since Mysore is "an admirably governed State", as remarked by His Excellency the Viceroy. The most notable feature lies in the position of its saintly sovereign, who is a born ruler of men. The unity of the State and continuity of its life and policy are symbolised in the person of the Ruler. He is the people's real representative and the best guardian of their welfare and happiness, and he is a better and more natural representative of the people than the elected President of a democracy. The intimate and vital relationship between him, as Head of the State under the Mysore Political theory, and the people is one of sentiment and affection which is "more constant and abiding than the legal, factitious, consensual, mechanical and impersonal relationship obtaining between the electorate and the elected" in a system of "Responsible Government". Under the Mysore theory, the Sovereign and the people are only organic parts of one corporate and constitutional unity, and it cannot be said that the country will gain very much less from the democratised constitution in operation in Mysore than in the carefully guarded instruments of theoretical democracy granted to the Provinces, under a constitution which the Congress has condemned as unacceptable and which is still on its trial as an experiment. The distinction between the Mysore model and the system of "Responsible Government" in British India is fundamental and real, and in my opinion it ought to serve as a warning to those over-enthusiasts, who wish to unduly exalt the new theory and convert Mysore into a replica of a British Indian Province.

Mysore not an Autocracy.

71 There seems to be a misapprehension, and one of my colleagues has actually stated in his separate minute, that Mysore is a State under "Absolute Government". Sometimes, Congress leaders find it convenient to call it an "Autocracy", and my colleagues have also made a reference to it in paragraph 104. This is far from the actual truth, and it reveals an inadequate appreciation of the virtues of the constitutional machinery working in Mysore. 'Autocracy is a form of Government in which a Ruler does what he likes, and is not controlled by any constitutional restraints. The Government of Russia, as it was before 1916, may fairly be called an Autocracy. But such forms of government do not exist to-day, and it is certainly unfair to apply that expression to the Mysore constitution. Everybody knows that the Congress Working Committee, which is not an elected body and is nominated by the elected President, exercises executive authority and controls the policy and action, not only of the party, but also of eight Congress Ministries and has developed an anti-democratic or dictatorial tendency. Is it reasonable to call the democratic Constitution of Mysore an "Autocracy"? P.M. Nor do I accept the argument stated in paragraph 117, that one way of creating the conditions of 'Responsible Government' is "to put the people under the salutory burden of actual responsibility..... .....thus inducing them to train themselves in ways of effective democratic citizenship." As already pointed out, the political training of the people in Mysore began so long ago as in 1881, and the Address of His Highness on 12th March, 1924, clearly shows the progressive evolution of the constitution since that date. While accepting the ideals inculcated therein and holding that "the continuity of planned constitutional progress" was the "key-note" of that Address (paragraph 76), it does not seem

to be clear on what principle my colleagues have advanced the argument in favour of "creating conditions for 'Responsible Government' ", which is based on a theory in direct conflict with that of the Mysore consititution. Moreover, they declare towards the close of paragraph 76, that it is "in the light of the principle of the continuity of planned constitutional progress" referred to above, that "we have discussed our problems and ~~s~~ submitted our recommendations". If so, it is ~~seems rather~~ difficult to reconcile this significant declaration with the inconsistent recommendation in favour of the goal of 'Responsible Government' which is based on a contrary theory. [The argument in paragraph 117 is also inconsistent with the distinct findings recorded in the previous paragraph, viz., that it is futile to copy the British model of "Responsible Government" and that it would be wise counsel for Mysore to "hasten slowly on her own path of constitutional development" (Paragraph 116).] O.P.M.

Reasons for declaration of goal not accepted.

72 Again, the reasons assigned by my colleagues to justify the declaration of goal in terms of "Responsible Government" ~~w~~ are, that it would "help to give the <u>quietus</u> to unnecessary and avoidable political agitation", and that it would "satisfy people who are so prone to be led into mistaken ways by unscrupulous propaganda" (paragraph 118). With due deference, I beg to state that these reasons are hardly convincing.

It tantamounts to a surrender to "unnecessary agitation" and "unscrupulous propaganda"; and if such a policy is to be accepted as sound, the Government must be prepared to make similar declarations whenever such agitation and propaganda are similarly organised. If public opinion in Mysore is "formed more on the spoken word than on verified fact", and if "rumour and hearsay, however improbable, gain rapid and wide-spread credence", as held by my colleagues (paragraph 88), is it safe or prudent to change the form of government on the basis of such 'public opinion'? In these days, public opinion has become an unreliable factor, and it acts dangerously in a country where the masses are ignorant. Before 1922, printed books, with all their wisdom and their differences, exercised a healthy influence on public opinion in western countries. The brains of the nation were applied to all the many sides of the question, and society was insured against undue pressure from any one quarter. But now the microphone is listened to by millions of people before the printed books are circulated by booksellers, and the popular newspaper must also have its quota of sensation. If real scandals are not available, scandals of some kind or another must be invented. It is apparently impossible to maintain a circulation of millions of copies, unless the public is given sufficient material for grumbling and enough knowledge of evil, real or supposed,

and have proved capable of raising fierce passion ..... and considerable harm has already been done ..... and Vidyaswatha will stand as a beacon of warning for a long time to come"

to flatter its sense of self-righteousness. There is a definite censorship upon sense, and Sir Ernest J.P.Benn draws pointed attention to the deterioration of printed news by contrasting it with its high level in the previous century. The 19th century used to say, " It must be true, because I saw it in print". The 20th century is driven to the opposite extreme, and is already beginning to say, "If it is printed, it is a lie". And for this we have to thank the circulation-monger's alliance with the politicians, in a joint effort to establish the lowest common denominator of popularity (Modern Government by Sir Ernest J.P.Benn, 1938, p.63). After all, what is public opinion ? We find that in practice it is the creation of the Few. If public opinion demands one course of action rather than another, it is because the Few in one political camp have been more skilful than the Few in the other camp. In a country like the United States, it is easy to watch the manufacture of public opinion. Halls are hired; the cinema is set to work; the post is filled with literature; and the newspapers strike up a chorus. The evil is considerably greater in India where the masses are ignorant and illiterate, and rumour counts for more than reading. Political organisations are comparatively few, and there is not much opportunity of political education and guidance from other sources. Hence assertions contained in a newspaper naturally acquire greater power and prestige. Political advocacy is left to the critics.

Sometimes, the interests of good government are undermined, and confidence in the administration is shaken by distortion and misrepresentation of facts. There are no adequate means of successfully counteracting organised propaganda of a misleading character, and a good case often goes by default. Much of what passes for public "opinion" is either unstable emotion or ignorant prejudice. The "vast majority" of the people in any country have no opinion. What is called "public opinion" is always the view of the instructed minority. It may be caught up and echoed by the majority, as when a crowd acclaims a demand for 'Responsible Government' or 'national independence', the full import of which it cannot possibly understand. In this country, by far the great majority of the followers of so outstanding a world figure as Mahatma Gandhi are ignorant of his policy and the real technique of his preachings. To millions he is a holy man, a saint or an Avatar. He himself constantly reminds us all, that his true creed is little understood even by his nearest companions. He has told us that thousands of those who pretend to mould their opinions on his views, and to fashion their public conduct and policies according to his wishes, have not got the remotest idea of what he really aims at. Moreover, my colleagues themselves have laid down the propositions that it is not safe to assume that wisdom lies in numbers (para 108). ~~and that "might becomes equated with~~

~~right" when the majority assumes infallibility of judgment (paragraph 108)~~. Their reasons in support of the recommendation of 'Responsible Government' have therefore no ~~fxx~~ force and cannot be accepted. No scheme of reform, however good, can be expected to receive general approval or to satisfy all sections of the public. ~~and I think our object must be to enlist the support of the reasonable and enlightened sections among them.~~ We have to judge the advance, not by the aspirations of some, but by the substantial progress made from existing institutions. It is the opinion that is based on a critical perception of the currents & tendencies of happenings that deserves to be enlisted, and not that founded on an uncritical and "unscrupulous propaganda" mentality. P.M.

P. Mahadevaiyya

Misquotation of His Highness's address.

73. The argument in favour of the goal of 'Responsible Government' contained in paragraph 96 (page 50) has to be rejected since it is based on a misquotation. It is stated that in 1924 His Highness was pleased to declare that in making our plans for the future, we have got to take note of the tremendous changes "inside and outside the State" in the recent past. I have read and re-read the famous Address of His Highness dated 12th March 1924, which is referred to by my colleagues in paragraph 96, but I am unable to find anywhere in that Address the words "inside and outside the State" after the words "tremendous changes" (speeches of His Highness the Maharaja, 1921-1927, page 74). What His Highness has stated is that "in making our plans for the future, we have got to take note of the tremendous changes of the recent past." This statement ~~These words~~ cannot, in my opinion, be interpreted to justify the recommendation in favour of a declaration of the goal of 'Responsible Government'. On the other hand, these words which have to be read along with the explanation which His Highness himself has given about "the changes of the recent past", distinctly point to a contrary conclusion. Because, in the very next paragraph on page 75, His Highness refers to the history of Mysore "in the recent past" and states, "we have known neither stagnation nor

precipitate change. We have been advancing steadily, adapting our constitution and administrative machinery to new times, needs and aspirations. All constitutional progress relates to the enlightenment of the people, and the quickening and utilising of their energies in the business of the State. Progress of this kind has been the constant aim of the Government of Mysore.. .. .. ". The whole of this historical address is a convincing exposition of the continuous evolution of the Constitution, suited to local needs and conditions and to the genius of the people, and as already stated above, the description of the "constant aim" or goal of the Government cannot be given in more "perfect language", as remarked by Sir Wardlaw Milne, M.P. (paragraph 64). His Highness has no faith, like the late Justice Ranade, in the method of revolution in any sphere of life. He has a similar belief in historic continuity, and in the necessity of linking up the present with the past, in order to make progress a living force; and it is impossible to read in any other sense the open declaration of His Highness on 20th October 1926, that "our future must have its roots deep in the past", and that "in any re-construction of our political policy,

we could not, and should not, cut ourselves off from all our historic past" (Vide paragraph 69 supra). The misquotation is to be regretted, and the argument based upon it must fall to the ground. It is true that the difference consists only in a few words, but they are sufficient to cause a misapprehension. As pointed out by Sir Maurice Gwyer, Chief Judge of the Federal Court, even a single word or a phrase may take a colour from its context and bear different senses.

The Federal Law Journal of India, 1938, Vol. II, parts 1 and 2, p.9.

Declaration of war.

74. Now that war has been declared, every other question has to be kept in the back ground. The dominating factor in European politics at present is "Totalitarianism", and the entire structure of civilization, economic, political and cultural, is likely to be thrown into the melting pot. Democracy is on the defensive, and war is not a congenial soil for democratic experiments. Again, a war creates an occasion of emergency which inevitably leads to the restriction of freedom. It is well known that democracy in Britain received some set back during the last war. The Parliamentary system had to be modified to suit a period of emergency. The working of the party system was suspended; and such important

We are in the midst of a great world crisis, and the present war is a war of destruction.

Agitation, free press, and even self-government if suspected, may all disappear almost overnight.

civil and political rights as freedom of speech, association and press -- which are always associated with a democratic Government -- were considerably limited. Even in America, which joined the war at a late stage from altruistic motives, the reactions of the war were positively undemocratic. India's security really lies in the strength of England, and self interest demands united action to help England, without conditions and without any bargaining in the matter. The fine sentiment expressed by His Excellency the Viceroy in his message is sure to find an echo in every Indian heart, and the whole of India including the Indian States ought to pool their resources, and give their whole-hearted sympathy and support to Britain to enable her to uphold right and justice against wrong and oppression. The Indian States are units of concentrated power and strength, and nothing should be done in this hour of great crisis to weaken their hands. The one engrossing subject is that of war, which demands the undivided attention of His Highness the Maharaja, and it is unwise at this juncture to press for a declaration of the goal of 'Responsible Government', which necessarily involves the transfer of power to the hands of the people. I am not at all in favour of a

declaration of the goal of 'Responsible Government', or its definition or formula, as recommended in paragraph 121, about which I propose to make a few remarks in the following paragraphs.

Chapter IV — Mr. Gundappa's formula

Mr. Gundappa's formula.

75. I now proceed to examine Mr.Gundappa's "formula" or the Definition of the Goal of 'Responsible Government', as enunciated in paragraph 121. It is as follows:-

"The goal to be kept in view in all constitutional reforms should be the establishment of a system of Responsible Government under the authority and protection of the Sovereign, i.e., a system in which the administration is carried on by a Cabinet of Ministers appointed by His Highness the Maharaja and enjoying the confidence of His Highness and the support of the Legislature; the powers of His Highness to ensure peace, order and good government, to safeguard the interests of all classes of His Highness' subjects including the Minorities, as well as to satisfy the terms of the Treaty with the British Government remaining unaffected and supreme in all circumstances, and the stages of progress towards the goal being determined by His Highness according to the measure of success attending the working of each stage."

All the arguments urged against the goal of 'Responsible Government' in the preceding paragraphs apply with equal ~~face~~ force to this formula, which does not commend itself to me. In my opinion, it is a composite mixture of two conflicting political theories, and I am sure it will not satisfy the Mysore Congress. Responsibility to the legislature and through it to the electorate, is inseparably associated with the theory of Responsible Government, and it is its legal incident. A system, without this inevitable legal implication, ceases to be 'Responsible Government', and this expression cannot be used to describe

such a system. If it is to be a system with its recognised legal implication of responsibility to the legislature, then the Sovereignty of His Highness cannot remain, and it will be practically reduced to a shadow. When authority is transferred to the people's representatives, the Maharaja ceases to possess the power of affording "protection", and "a system of Responsible Government under the authority and protection ("Aegis") of the Sovereign" seems to be a contradiction in terms. To deprive the theory of 'Responsible Government' of its legal implication, and to demand that the above expression must be understood in a different sense contrary to the ~~usual~~ meaning attached to it by the British Parliament as well as political thinkers is, in my opinion, to start a new theory and a new conception unknown to political science, and to adopt a procedure unknown to constitutional law. It is not open to constitution makers to borrow a theory and reject its vital attributes, or to claim to invest it with a new sense and a new importance entirely inconsistent with its original conception. The proposed formula has no parallel in any other country. ~~It is neither fish nor flesh.~~ It is like attempting to ride two horses at the same time and it is neither comfortable nor safe to make such an experiment. According to the formula, the proposed goal is to be a system of cabinet Ministers appointed by the Maharaja and enjoying the confidence of His Highness. But under the English Cabinet system, the members of the Cabinet are to be the leaders of the majority in the legislature to which they are responsible, and the position of

No attempt has been made to reconcile the conflict between two different theories which is manifest on the very face of the so-called formula. Pr.

It represents neither the Mysore theory nor the British Indian theory. It is a mixture of both leading to much confusion.

of the Cabinet as the executive government marks the supremacy of the representatives of the people, which is inconsistent with the Sovereignty of the Maharaja. If the implications of the Cabinet system of Government are to dominate this formula, the powers and prerogatives of the Maharaja will become ~~reduced to a shadow,~~ inoperative, and no amount of fencing of words ~~or "verbal gymnastics"~~ can alter such a result. If, on the other hand, the Maharaja's powers are "to remain unaffected and supreme in all circumstances", as stated in the formula, the system of Cabinet Ministers under "Responsible Government" will then cease to have any meaning. Moreover, the very pivot of the Cabinet system of Government is the party system which does not exist in Mysore, and therefore the system visualised by the formula becomes unworkable in practice.

Ministerial Responsibility and its implications.

76 Again, the English system of Cabinet Ministers involves the important question of ministerial responsibility. According to Professor Dicey, ministerial responsibility means two utterly different things. One is the liability of ministers to lose their offices if they cannot retain the confidence of the House of Commons. The second is the legal responsibility of every minister for every act of the Crown in which he takes part. This responsibility is a matter of law, and it is not open to a Minister to get rid of his liability by pleading that he acted in obedience to Royal orders. If the act done is found to be illegal, the Minister concerned becomes at once liable to criminal and civi

proceedings in a Court of Law. The position of a constitutional monarch is, vis-a-vis the Cabinet, also an extraordinarily difficult and delicate one, in the opinion of Professor Harold Laski. I do not believe that such a system is suitable to Mysore, or that it can be successfully worked in practice. The formula is opposed to Dr.Seal's political theory in Mysore which has been accepted by my colleagues as "fundamentally sound", the ideals and principles enunciated by His Highness in his Address dated 12th March 1924, which in the opinion of my colleagues are "still true and applicable to Mysore", and to all the findings in the report regarding the ideals, achievements, and the working of the Mysore Constitution. ~~The respective merits and demirits of the Mysore political theory and that of British India have not been properly examined, and it has not been proved that the former is in any way inferior to the latter. The formula appears to me to be only a dogmatic assertion, and a mere assertion cannot be a substitute for proof. It cannot be taken to be a self-evident proposition, and the reasons stated in paragraph 121 (page 66) are unconvincing.~~ To ask for a declaration that the future goal is to have a system of Cabinet Ministers under 'Responsible Government', and yet profess to preserve the Sovereignty of His Highness, his prerogative "remaining unaffected and supreme in all circumstances", is in my opinion to play with words and phrases of constitutional law ignoring their inevitable implications, which is the dominant

~~The onus of proving the merits of a new scheme is on those who advocate it.~~ While Congress leaders have openly stated that it is "not wise" to make a fetish of Parliamentary methods ~~conventions~~ and "flimsy notions of democracy", why are these theories sanctified and pressed for acceptance in Mysore? Is this exaltation not based on the doubtful theory of moulding the whole of India into a uniform pattern?

factor in this composite formula ? Is it His Highness's Sovereignty, or the people's Sovereignty? If a deadlock arises, whose is to be the predominant voice ? If it is to be that of His Highness, how can it be called 'Responsible Government'? If there is no responsibility to the people (electorate), why should it be called 'Responsible Government'? The real issue is whether His Highness the Maharaja should rule as before, or whether it is the people's representatives who ought to rule. Has a plain verdict been given on this issue?

"Responsible Government" not to be grafted on the Mysore constitution

77 The advocates of this composite formula seem to think that the ~~conflicting~~ essential features of the theory of 'Responsible Government' could be mechanically grafted on the Mysore constitution, in the face of their own findings that Mysore has evolved an independant constitution of its own, and that it "stands in a category by itself" among the Indian States (Page 51 of the Report). This is a weakness of most paper constitutions which have come to grief, and this valuable lesson of history should not be ~~ignored~~ disregarded in constitution-making. My own impression is that the formula cannot be adopted without violence to the whole framework of the State's polity, and the large mass of patriotic opinion in the country. The ~~rural masses~~ people of Mysore still adhere to the Hindu conception of Sovereignty and are deeply attached to the ruling family. The personality of His Highness is still a factor of great importance, and the fundamental principles governing an ancient Hindu State are as true to-day as they were in 1924. His Highness's powers cannot be reduced to a shadow, and he should not be robbed of the special prerogatives and responsibilities of his Sovereignty. ~~Sovereignty~~. P. 78 [See – typed on next page]. Again, the introduction of Responsible Govt" is legally impossible without the active concurrence of the British Government. The latest pronouncement by Colonel Muirhead in April 1939 has a vital bearing on this question. If Conflicts arise, in working reforms, regarding the fulfilment of Treaty obligations and lead to the

over-ruling of the Minister, the legislature may support the ~~minister~~ Minister and easily create a deadlock which will paralyse the government. To resolve the crisis the Constitution may even have to be suspended. But such conflicts would make the Ruler most unpopular among the people. If he were to act with the people, his position as Ruler would be in danger, and thus no Ruler may find it easy to rule over his state. Unless the British Crown and the Ruler of the state enter into a fresh agreement as to the exact form of government to be substituted for the present constitution, 'Responsible Government' in its real sense can only remain an ideal, almost impossible of achievement, in Indian states. P.m.

78.

'Responsible Govt' in I. States legally impossible without a fresh agreement between them & the British Crown.

Again, the introduction of 'Respnsible Government' is legally impossible without the active -- concurrence of the British Government. The latest pronouncement by Colonel Muirhead in April 1939 has a vital bearing on this question. If conflicts arise, in working reforms, regarding the fulfilment of Treaty obligations and lead to the over-ruling of the Minister, the legislature may support the Minister and easily create a deadlock which will paralyse the Government. To resolve the crisis the constitution may even have to be suspended. But such conflicts would make the Ruler most unpopular among the people. If he were to act with the people, his position as Ruler would be in danger, and thus no Ruler may then find it easy to rule over his State. Unless the British Crown and the Ruler of the State enter into a fresh agreement as to the exact form of Government to be substituted for the present -- constituion, 'Responsible Government', in its real sense, can only remain an ideal almost impossible of achievement in Indian States.

High ideals + principles hitherto followed are degraded

79. The recommendation for the declaration of the goal of "Responsible Government" at this stage of progression of Mysore, necessarily presumes that the aims and objects repeatedly declared by His Highness are also "of an inferior kind". The logical consequence of this veiled condemnation, which is made in the guise of following "All India tendencies", is that all aims and objects, political ideals, principles and methods of Government which till now had received a place of honour in men's minds, have been pulled down and dethroned. For instance, according to Dr.Seal's theory, the Sovereign in Mysore is the symbol of the basic unity of the Ruler and the ruled, and he is the supreme Executive Head as well as the source and sanction of law(paragraph 106). But the very implication of "Responsible Government" is in conflict with this unique position which will be destroyed under the proposed formula. My colleagues state that one "broad fact which cannot be ignored" is, that all power and authority are derived from the Maharaja and are exercised in his name, and that a scheme of reform could only be introduced by a devolution of powers from the Maharaja (paragraph 107). But in action they have ignored this very "broad fact", since under "Responsible Government" the theory of devolution vanishes like a puff of smoke, and power and authority are bound to vest in people's representatives. The so-called fencing of words and phrases to the contrary, in the proposed formula, cannot be said to possess any legal significance. It may not be easy to compel the acceptance of their binding character in a legal controversy on the question of interpretation, and it may not be difficult for legal experts to raise a contention that all restrictive words and phrases inconsistent with

the recognised theory of "Responsible Government" must be held to be void for repugnancy. In case of such controversies, which are bound to arise and for which there is abundant scope in the composite formula, who is to decide? Are the parties, that is, the people on the one side and His Highness on the other, to apply to the Chief Justice of the Federal Court for favour of a decision, as in the case of Rajkot?

My colleagues have held in unmistakable language(paragraph 107) that "the stand taken by the Seal Committee is fundamentally sound and requires reiteration at the present moment". If the full implication of this finding is to be taken seriously, it is impossible to justify the proposed recommendation for the goal of "Responsible Government" and its formula. For the Seal theory is in direct conflict with the theory of "Responsible Government" in any form, and the minority would have been grateful if my colleagues had attempted to reconcile this glaring inconsistency.

Objective of the proposals to satisfy two conditions as per Government order of 1-4-1938

80. Again, according to the analysis of the Government order which my colleagues themselves have made(paragraph 75), the objective of the proposals requires two conditions to be satisfied. The first condition is to promote the contentment and well-being of all classes of His Highness's subjects. It is a truism that "Responsible Government", or any other form of democracy, is only a means to an end and not an end by itself. The mere form or machinery of Government ~~is not~~ cannot be an end in itself. A particular machinery of Government, either by virtue of its own defects or on account of the difficulties inherent in its successful working, may not be able to promote the contentment and well-being of the people. There is no authority to hold that "Responsible Government", by reason

of its more form, is invariably capable of being successfully worked by all people, in all countries, and under all circumstances. My colleagues themselves have given in paragraph 113 a comprehensive account of the difficulties associated with "the form of Responsible Government towards which political aspirations in Mysore are directed to-day". It is stated in the said paragraph that according to Lord Bryce, the English constitution, of which "Responsible Government" in British India is a copy, is a complicated mechanism, and "would anywhere but in England be full of difficulties and dangers". Mr. Gundappa, who is the author of the scheme of "Responsible Government" and its formula, has himself confessed that "Responsible Government is a very difficult form of Government to carry on. It has many risks. It was tried in the continent of Europe in several countries, and nowhere has it proved a very great success except in Switzerland and perhaps in one or two small tracts. Even in France it has not proved a success". My colleagues have similarly confessed about the disappointing result of the working of Provincial Autonomy in British India(paragraph 116). They say that it is "very difficult" to be sure whether it will at all develop " on the lines of the original model". If so, why are they enamoured of such a theoritical system?. Why do they propose to impose such a difficult and unsteady form of Government on Mysore, which is quite happy without it? Having given "wise counsel for Mysore" to proceed "on her own path" of development in paragraph 116, why have they contradicted themselves by giving contrary counsel in the

very next paragraphs viz, 117, 118, 119 and 121?

81. Second condition. Objective mentioned in the message of His Highness.

The second condition of the objective is, that we should formulate our proposals "on the basis of the ideals and principles enunciated in the Address of His Highness in 1924". In paragraph 76, my colleagues discover in this Address great potentialities of constitutional importance and proceed to declare that it is a "~~chapter~~ charter of the political liberties of the people", "a guarantee of ordered constitutional progress in the future", and "a constitutional document of great and enduring importance". May I be permitted to ask whether ~~any~~ my colleagues really claim to have formulated the proposed scheme on the "basis of the ideals and principles enunciated in the Address"? If so, are they prepared to name those ideals and principles? Does not the whole Address constitute a vindication of the Mysore political theory of the Sovereignty of the Ruler, and a negation of every form of "Responsible Government", since it is based on the opposite theory of the supremacy of the people's representatives? The truth of the matter is that what was praised in paragraph 76 was entirely ignored in paragraph 121. It will thus be seen that my colleagues have committed themselves to a recommendation which is at variance with the very objective set forth in paragraph 75. I have already invited attention, in paragraph 52 of my note, to the importance of the first line in the second paragraph of the gracious message of His Highness to this committee, which points to the objective to be kept in view in formulating proposals. The proposed

scheme and its formula cannot certainly be said to ~~be~~ have ~~consistent with~~ fulfilled the expectations contained in the gracious message. What it contemplates in the most unmistakable language is evolution, and not a revolution.

Sir Mirza Ismail's Address in October, 1937.

82. Similar remarks apply to the so-called "Basic Factors" in paragraph 97. Reference is made to the General considerations to be kept in view, in formulating the scheme of reform, as laid down in the Dasara Address of Sir Mirza Ismail in October 1937, which my colleagues have elected to quote with approval. But the scheme recommended involves, in my opinion, ~~involved~~ a complete departure from every one of these considerations. The "factors peculiar to our state" have not been recognised as "our guide"; the "caution" given has not been heeded; and "the best way of proceeding" suggested in the Address has not been adopted. The recommendation is actually based on "theoretical abstractions". It is an "uncritical imitation" in the guise of following "All-India tendencies", and it is a "wrested concession", being admittedly a surrender to "unscrupulous propaganda". The Address suggests in plain language to allow the constitution to evolve on its own lines, "in forms appropriate to its own character and environment". But can it be said by any stretch of the imagination that the form of Responsible Government now recommended is a "form appropriate to the character and environment" of the Mysore Constitution?

Curiously enough, my colleagues have done the very things which the Address wants to be avoided.

Inconsistency between paragraphs 91 & 240.

83. There are some ~~other~~ more aspects which reveal the inconsistency of my colleagues. While criticising the Congress Scheme in paragraph 91, they state towards the end of the paragraph, "the Congress scheme instead of being a system of "Responsible Government under the aegis of

the Ruler, would on the other hand be one under whose aegis the Ruler will be allowed a nominal and precarious existence". Their criticism is that under the said scheme the Royal prerogatives are exercisable only at the bidding of the ministry, that the power of Veto over legislation is not exercisable at all, that it involves the declaration of the Sovereignty of the people, and that "such a declaration is nothing short of a travesty of the facts and a strange reversal of the actual position" (paragraphs 90 and 91). But in the concluding portion of the report(paragraph 240) they declare that their "ultimate objective"is also the same as that of the Congress, and that the difference between themselves and the latter consists "only in the pace of approach to the goal". If so, is this not a surprising revelation? If the "ultimate objective" of my colleagues and that of the Congress is one and the same, one is driven to the irresistible conclusion that, according to their own argument in paragraphs 90, ~~and~~ 91 and 240, their ultimate object is to establish the Sovereignty of the people in Mysore exactly on the lines set forth in the Congress scheme and to destroy the Sovereignty of the Maharaja. It will thus be seen, beyond the shadow of a doubt, that what they have themselves condemned in unmeasured terms in paragraphs 90 and 91, has been openly exalted and commended in paragraph 240. Is this not really a strange result for my colleagues to arrive at towards the end of their labours?

Inconsistency between findings in paragraphs 77 + 78, and the recommendation

94. While making a reference to the difference in conditions between British India and Mysore, pointed attention is drawn in paragraph 78 to an "Interesting observation," contained in the Dewan's Address to the Representative Assembly in 1908, which states that "it would be sheer folly" to be misled by "catch phrases" and allow ourselves "to be seduced from our duty to ourselves and to the State". If this "interesting observation" possessed some intrinsic value to be quoted with appreciation by my Colleagues, how did it lose that value at the time of ~~fxxx~~ formulating the scheme about the goal of 'Responsible Government'? Again, after stating that the commencement of the recent agitation for 'Responsible Government' in Mysore coincided with Office acceptance by the Congress in the British Indian provinces, my colleagues have recorded the following important finding in paragraph 77:--

> "It is our profound conviction that any blind attempt to copy the evolution in British India, ignoring the traditions in vogue in an Indian State like our own, will be ~~bro~~ought with serious consequences. As has been well observed by the Seal Committee, political institutions could not be imported wholesale from abroad." There is much to commend itself in this finding, and I wish that the "profound conviction" and the correct observation of the Seal Committee had taken their logical course and influenced the judgment of my Colleagues when they formulated the Scheme of the goal of -- 'Responsible Government' and its formula.

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Mr. Gundappa's presumption against Mysore Constitution. 85. It is not usual for constitution makers to start with presumptions regarding forms of Government. My colleague Mr. Gundappa, who is responsible for all the three propositions about the need for the goal, declaration of the goal in the terms of "Responsible Government", and the formula regarding it, somehow presumed the superiority of the system of "Responsible Government" in British India and the inferiority of the Mysore Constitution. In his conception, Mysore possesses "an inferior kind of constitution", and this is his "supreme reason" for his asking for "Responsible Government", as declared by him on 13th December 1938. His formula is entirely based on this presumption, though it does not purport to state it in so many words, and every one of its implications about "Responsible Government" ~~comes~~ carries with ~~in~~ it a condemnation of the Mysore constitution. Whether the Mysore Constitution has been an "inferior kind of constitution" from its very inception (1881), or became "inferior" subsequently, and for ~~which~~ what reasons, are matters which are not made clear either by Mr. Gundappa or his supporters. To say that the system of "Responsible Government" in British India is the only good form of Government which ought to be introduced in every country, irrespective of all other considerations, is to make a proposition which is too extravagant, and there is absolutely no authority to support it. The constitutional problems relating to British India and the Indian states, which have preplexed jurists and statesmen, have not yet been successfully solved, and the questions regarding Indian States are still matters of great controversy. It is well known that Mysore was the first state in India to introduce

representative institutions and ~~prelim~~ parliamentary methods of Government. Its constitution has been shaped into a democratic mould. It is worked in a true spirit of democracy, and it is really more democratic in practice and operation than Provincial Autonomy in British India. ~~Its phenomenal success has attracted the admiration of Englishmen and Indians and all shades of political opinion, including congress leaders; and it has built up a world wide reputation.~~ It is more efficient + beneficial than 'Responsible Govt' in British India, and Any person who condemns such a constitution as "of an inferior kind" must, at least, give strong and convincing reasons to justify such condemnation. Has Mr. Gundappa given such reasons? Or have his supporters furnished them?. This presumption is a serious error in constitution making, and in my opinion it is fatal to the validity of the entire recommendation regarding the goal of "Responsible Government" as well as its formula. Some it is vitiated by the erroneous presumption. If efficiency, ~~penity~~ purity, stability, ideals and achievements are to be the standards of good Government, no impartial critic can condemn the Mysore constitution as "inferior", as Mr. Gundappa has done. I am one of the minority who strongly differed from Mr. Gundappa's condemnation of the Mysore constitution. With the best of intentions, I more than once suggested a regular investigation into the respective merits and demerits of the two systems as can be seen from the proceedings of the committee, but there was no response either by Mr. Gundappa or his supporters. The onus of proving the virtues of a new scheme is on those who advocate it, and it ~~It~~ would have been a distinct advantage for everybody, if such an investigation had been made and the findings formally recorded, with reasons on both sides for every

It is a system built on the British model during half a century of steadfast purpose and honorable aim; a system which has won the admiration of critical observers both English and Indian, and to which other I. States have looked for inspiration and guidance. Mysore has a right to be proud of such a record. The fact that we are looking to the future need not mean that we should be unmindful of the past. The existing edifice of Government in Mysore is a monument to the courage, political wisdom, and high purpose of those who have devised and successfully worked it, to which it is but fitting that we should, at the present moment, pay our imperfect tribute. P.M.

It is the duty of every responsible citizen to see that unsound theories do not gain currency in the country, and it was imperative that all possible aspects of the respective theories should have been fully threshed out.

finding. In the absence of such an investigation more preconceived statements about the exaltation of the new theory in British India and the alleged inferiority - of the Mysore constitution must be deemed to be only - dogmatic assertions. ~~They~~ Such assertions cannot be accepted merely on the ground of the support of the majority.

Mysore Constitution is not "inferior". For reasons see Chapter III, paras 51-74.

86. My opinion about the efficiency and virtues of the Mysore Constitution is not based upon any blind - impulse. I have watched the course of events and studied the question of Indian States and the problem of "Responsible Government" in British India with some care and - attention, and my belief has got the sanction of reasoned conviction behind it. I have endeavoured to show to the best of my ability in my separate note (Chapter III, paras 51-74) that the Mysore constitution is not "an inferior kind of constitution", and that the British Indian variety is not a ~~pen~~ model of perfection as presumed by Mr. Gundappa and his supporters. If my arguments and conclusions are held worthy of consideration, then the proposed formula deserves to be rejected.

For result of working of Provincial Autonomy in British India, see Chapter II, Section-B, paras 30-50.

For All-India question about 'Responsible Govt' in all I. States, see Chapter I, paras 1-23.

87. As regards the result of the working of Provincial Autonomy in British India, Sir Mirza Ismail, the talented Dewan of Mysore, has pointed out in October 1937 the "supreme need" for an ~~and~~ independent and dispassionate examination of its working" (paragraph 97), and my colleagues have also held that "we cannot avoid referring to the result of this great experiment as political opinion in - Mysore is influenced by it" (paragraph 115). But instead of making a comprehensive examination of the question, my colleagues have somehow confirmed their remarks to "only one or two considerations". I therefore thought it desirable and useful to go more fully into this important

question, and it has been discussed in all its aspects in Chapter II, Section (B), paragraphs 30-50. Again, as the demand for "Responsible Government" in Mysore is only a part of the larger question of agitation in British India for "Responsible Government" in all the Indian States, we canhot avoid referring to the All India - questions. My colleagues hold that the Mysore question is directly connected with the larger controversy in British India, but have not elected to make any remarks on this subject.

I have therefore examined it fully in chapter I paragraphs 1 - 23.

Mr. Gundappa's formula based on paragraph 117.

88. Mr. Gundappa's formula on the goal of "Responsible Government" (Paragraph 121) ~~is based on~~ depends upon the "basis of the Scheme" profounded in paragraph 117. It is the quintessence of the recommendations regarding the goal of "Responsible Government", and ~~on this hangs or fall the fate of Mr. Gundappa's formula.~~ the formula must stand or fall on the acceptance or rejection of this basic scheme. A brief analysis of this Scheme is therefore necessary to understand the principles underlying the goal of "Responsible Government" as well as its formula. The basic principle of the Mysore Constitution according to the admission of my colleagues, is that of the identity of interests between the Government and the people, and they say that it is this principle which " has inspired all constitutional developments in Mysore". They do not say that this is an inferior principle in political science, or that a constitution developed on this principle is in any way inferior to that under the theory of "Responsible Government", and there is also no authority for such a proposition. On the other hand, it is this identical principle which Mahatma Gandhi has advocated in his formula on the "Science of Democracy" to which I have made specific reference in paragraph 62. It is the same principle which, according to the Mahatma, constitutes the "spirit of democracy". Again, it is stated that in the successive schemes of reform adopted in the State during the last 58 years, "this purpose of enabling the citizens to realise the fundamental oneness between themselves and the State has found progressive fulfilment". It will thus be seen from the above, that it is the "spirit of democracy" that has inspired all constitutional developments in

in Mysore from 58 years, and that the Mysore constitution has also "enabled the citizens" to realise the fundamental unity of interests. The development has not only been logical, but also in accordance with a great democratic principle. Model Mysore must therefore be said to have successfully passed the test laid down by - Mahatma Gandhi in his Scientific formula, and deserves to be given the highest rank in the whole of India. If so, is not the Mysore constitution entitled to be recognised as an ideal one? How can it be said to be "inferior?"

Belief of majority 89. that "consummation" of Mysore policy lies in 'Responsible Govt.'

But what is the view that my colleagues have taken? Having lifted the Mysore constitution to a certain height, they suddenly jump to the opposite conclusion, and without assigning any reasons, - summarily proceed to hold that they "believe" that the Mysore policy will find perfection("consummation") "in the establishment of Responsible Government". What are the grounds of this belief and why are they not stated? Is there any authority to support a verdict of this kind? I regret to state that the lines of reasoning are very obscure, and it is difficult to say that the above - "belief" is consistent with their own findings in the same paragraph. Having all along commended the Mysore policy, they suddenly condemn it by imagining it to be imperfect without pointing out its imperfections, and they commend the very system which they themselves had condemned before, and go a step further and attribute perfection to it, a virtue which has neither been proved, nor claimed

either by the authors of that system or those who are working it as an experiment on trial. If a policy has been found to be good and if it has achieved success, does wisdom consist in abandoning it in preference to a ~~new~~ contrary policy of doubtful value? While the authors of the Joint Committee Report declare that the carefully guarded instalment of reform known as "Responsible Government" is given to be tried as an experiment, and my colleagues are also not satisfied of the result of that experiment according to their own admission (paragraph 116), is it logical to recommend the same experiment to be repeated in Mysore, which is quite happy without it? With great respect to my colleagues, I am constrained to observe that according to their own findings and arguments they have made a strange recommendation in favour of the goal of "Responsible Government". It is like a judge recording his findings on all the issues in favour of one party, giving strong reasons in support of each finding, and then suddenly developing a dislike to that party and giving his final decision in favour of the opposite party, without assigning any reasons to justify his changed attitude. It does not require much argument to hold that such a decision is opposed to the rule of reason, and thoughtful people will find no difficulty in rejecting it as being unsound and untenable. Hence, the scheme of the goal of "Responsible Government" under paragraph 117, and the formula enunciated in paragraph 121, have both to be rejected on the same grounds.

When two conflicting political theories are compressed into a new theory & it is stated in the conventional method of a formula, it naturally requires an exposition to be free from doubt or difficulty.

Duty of Mover of proposition to support it by reasons & arguments. Mr Gundappa's default.

90. It is for the Mover of a proposition to support it by arguments, especially when it is intended to change the present form of Government. When such an important proposition is put forward for acceptance, it is his duty to explain its virtues and show how it is superior to the existing constitution, so as to carry conviction to the minds of others. The report does not contain any such exposition and (paragraphs 120 and 121) does not state that any ~~such~~ arguments were adduced by the Mover, and I maintain that he advanced no arguments in support of this formula. The report chuff carefully says, "formula first proposed by Mr. B.V. Gundappa" (Para 120), and I have underlined the word "proposed" to indicate that it must be understood in the strict sense of the term. The Mover and his supporters presume perfection in the system of Responsible Government, though it is still on trial and has not passed the test, and condemn the Mysore Model by implication. It would have been more satisfactory for them, as constitution makers, to have frankly stated for what particular reasons they exalt the one and condemn the other and marshalled their arguments for and against, in respect of both the systems. In the absence of any such reasons or arguments, it is an up-hill task for a dissenting minority since they shall have to prove a negative, as there are no arguments against which they could direct their attack. I contended both orally and in writing, along with some others, that "this formula was a composite mixture of two conflicting theories," and I am surprised to find that my colleagues have made no attempt to meet our objections or to reconcile the conflict which, I maintain, is manifest on the very face of the proposition. The unproved formula is therefore to be treated as a mere assertion. ~~It is more obvious and it is nothing better than a Phrase, borrowed from~~

~~British India~~. Its supposed virtues are certainly not ~~proved~~ self-evident, and since no reasons and arguments are stated why it should be accepted in preference to the existing constitution, I contend that it deserves to be rejected on that ground alone. From their omission to state any such reasons ~~in support thereof~~ and arguments, I am entitled to draw an inference that they have either no good reasons to support it, or that they are not such as to stand scrutiny or criticism. No doubt the majority are in favour of it . But how can it alter its probative value? In the absence of any argument in support of it, and in the absence of even the shadow of ~~the~~ an attempt to meet the objections or to recon~~sider~~cile the manifest inconsistency, I submit that mere numbers cannot be a substitute for argument. Our function is to weigh the reasons and arguments, if any, and not to count mere numbers. This ~~This~~ unusual procedure forcibly reminds me of the two recent constitutional authorities quoted by my colleagues themselves, who have emphasised the propositions that it is not safe to assume that wisdom lies in numbers, that might becomes equated with right when the majority assumes infallibility of judgment, and that there is no more hopeless and crushing form of tyranny than the tyranny of a majority(paragraph 108).

Requisite qualities to work 'Responsible government.'

91. The system of 'Responsible Government', as already pointed out, pre-supposes in those who work it such a perception of, and loyalty to, the common interests as enables the decision of the majority to be peaceably accepted. There must in fact be not merely a certain capacity for business, but, what is much more important, a real perception of the public welfare as something apart from, and superior to, the individual good. The basis of the whole system is a lively and effective sense of the sanctity of other people's rights. These are the true tests and I honestly believe that the people of Mysore do not possess these qualities. Though they are [illegible]ly affected by education, occupation, and organisation, they ultimately rest on [illegible]itions and habits of thought of the

Formula is embarrassing.

92. ~~78.~~ "The body politic is a complex growth, manifold whole, with closely inter-dependant relations among its several parts and divisions", which have always to be borne in mind in suggesting changes in the constitution. Some of the soundest political thinkers have propounded in no uncertain terms their opposition to artificial arrangements in politics as opposed to a living, active, and effective organisation suitable to the temper, tradition, and mental habits of the people. The assumptions underlying the formula are based on the doubtful value of a new political theory still on its trial as an experiment in British India. The composite mixture of the two conflicting theories has no parallel in Constitutional law, and it may possibly embarrass Congressmen, the Government, His Highness the Maharaja, and the Paramount Power, and also lead to endless controversies about interpretations on clauses and phrases contained in the formula and their legal implications. It is a perilous recommendation full of difficulties and dangers, and I beg to differ from it. Our unanimous proposals for broadening the franchise, increasing the scope of the Representative Assembly, providing the Legislative Council with an elected majority and a non-official President and a Deputy President, and appointing two non-official Ministers to the Executive Council are all forward steps in the path of democracy. The question of the goal of Responsible Government is one which admits of honest differences of opinion, and if caution marks the outlook of those who have a

have a genuine desire to respect Mysore's uniqueness and avoid British India's mistakes, let them not be misunderstood as being less patriotic on that account.

CONCLUSION.

In conclusion, as I had no opportunity for a full discussion on this formula, I desire to make a record of this fact.

P. Mahadevayya

RAJADHARMAPRAVINA DIWAN BAHADUR
P. MAHADEVAYYA, B.A., B.L.,
RETD. CHIEF JUSTICE

Chamarajpet,
Bangalore City 1.10.39

Dear Sir,

It is very kind of you to have sent a copy of the Govt order for my perusal, & I thank you very much for having given me an opportunity to see it before issue. The Govt have dealt with the recommendations very generously, and I think the order will satisfy all reasonable people.

1. As regards the 'Declaration of goal', paragraph 68 (p. 21) rightly invites attention to the three different alternative formulae & the opposition of the minority. The inherent difficulties of the question have been pointed out, and the subject has been very nicely disposed of after appreciating the considerations which prompted the Committee. This is decisive & purports to be final. But the

the last line in paragraph 69 (p. 22) somehow re-opens this question and suggests a possible resemblance between the natural culmination of the Mysore model and "that which is visualised by the Committee". This suggestion, in my opinion, reveals an indirect recognition of the supposed virtues of the very scheme which was, on good grounds, not been accepted in the previous paragraph. It is difficult not to read in this suggestion an attempt to reconcile what has already been rejected, and it may lend itself to adverse comment. Hence I am not in favour of the last line, viz: "and perhaps, not unlike . . . . . Committee". I think it may safely be deleted, without in any way affecting the completeness of the idea contained in the

preceding portion of the sentence.

2. I have also suggested a small verbal alteration in the same sentence. In place of the words "adapted to", after "forms of Govt.", I have suggested the words, "appropriate to its evolution and".

I have no other suggestions to make on the remaining portion of the proposed Govt. Order which is herewith returned.

Yours sincerely,

P. Mahadevayya

Amin-ul-Mulk,

Sir Mirza M. Ismail, B.A., K.C.I.E., O.B.E.,

Dewan of Mysore.

CB. D. no. 199.

Subject - The proceedings of the Conference of Rulers and Ministers held in Bombay - 1939.

THE PALACE,
JAMNAGAR,
KATHIAWAR,
May 30, 1939.

Dear Mr. Madhava Rao,

The proposed General Conference of Rulers and Representatives of States, to consider the Revised Draft of the Instrument of Accession and connected papers, in the light of the Hydari Committee's Report, has been convened at Bombay from the 9th June, 1939, to the 13th June, 1939, (both days inclusive). These meetings are of vital importance to the future well-being of the States, at which we are entitled to expect due assistance and advice from the tried and trusted Ministers and Advisers of the States. As such, I am writing to request your presence with the permission of your Ruler, in Bombay during these meetings. I hope that at this juncture you would not fail us.

Best wishes,

Yours sincerely,

Digvijaysinhji

Maharaja Jam Sahib of Nawanagar,
Chancellor, Chamber of Princes.

N.Madhava Rao, Esqr.,
Member, Executive Council,
Mysore.

GOVERNMENT OF MYSORE.

Your Highness,

I am grateful to your Highness for asking me to attend the General Conference of Rulers and Representatives of States to be held in Bombay from the 9th to 13th June 1939. In his ~~letter dated the~~ dated 2nd June, Sir Mirza Ismail has already informed your Highness that His Highness the Maharaja of Mysore would depute me to represent the State at the conference. I ~~have~~ am, therefore, looking forward to having the privilege of participating in ~~the~~ the proceedings of the conference, to which your Highness has so kindly invited me.

Yours Highness' sincerely

D.O. No. 199.

SESHADRI HOUSE,
xxxxxxx 4th June 9
Camp Mysore,

I am grateful to Your Highness for asking me to attend the General Conference of Rulers and Representatives of States to be held in Bombay from the 9th to 13th June 1939. In his letter dated 2nd June, Sir Mirza Ismail has already informed Your Highness that His Highness the Maharaja of Mysore would depute me to represent the State at the Conference. I am, therefore, looking forward to having the privilege of participating in the proceedings of the Conference, to which Your Highness has so kindly invited me.

His Highness the Maharaja
Jam Sahib of Nawanagar,
Chancellor, Chamber of Princes,
Jamnagar. (Kathiawar).

Submitted to His Highness.

I beg to submit herewith for His Highness's gracious perusal a note by Rajamantrapravina Mr. N. Madhava Rau, First Member of Council, on the proceedings of the recent Joint Conference of Indian Princes and Ministers in Bombay which he attended as the representative of Mysore.

Among the papers submitted is a copy of Mr. Madhava Rau's speech at the Conference in which the views on behalf of Mysore have been expressed in respect of the specific matters brought up for discussion and certain others connected with the question of the State's accession to Federation.

Mr. Madhava Rau expressed his dissent from the resolution rejecting the draft Instrument of Accession, which the Committee of the Conference drew up for discussion by the Plenary Session and at the latter itself he abstained from voting, though the resolution was declared to have been carried nem con.

Mirza M. Ismail

Bangalore,)
17th June 1939.) DEWAN.

Record of Cases submitted for the Orders of His Highness the Maharaja.

No 849
17.6.39.

Chief Secy
MS
23-6-39

No. 849

MS
23.6.39

Subject.

Note by the First Member of Council on the proceedings of the Conference of Rulers and Ministers held recently in Bombay.

Order.

~~KRW~~
22/6/39

H. H 849

General and Revenue
Secretariat.

SUBJECT :—
Note by the First Member of Council on the proceedings of the Conference of Rulers and Ministers held recently in Bombay.

(*)

31. All urgent or confidential files returned with His Highness' orders may in the absence of instructions or indications to the contrary, be ordinarily circulated to the Members of Council for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after to the Chief Secretary for circulation to the Members.

34. In all other cases, the files will first be circulated to the Members of Council at Headquarters and then sent to the Secretariat concerned for the issue of orders.

Circulated to Members of Council for perusal of His Highness' orders before/after issue of orders. (*Vide* Rules 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure.)

Chief Secretary to Government.

Through the Secretary to Government,

.....Department.

10195
24/6

FIRST MEMBER OF COUNCIL. 26/6/39

A 2549
26.6.39

SECOND MEMBER OF COUNCIL. 27.6

27.6.39

NOTE.—Contn. sheet

WD 0579—GPB—375—20-12-38

REPLY

(To be written on this margin.)

OFFICE OF THE
FIRST MEMBER OF COUNCIL
JUN 16 1939
No. M. 308

OFFICE OF THE
FIRST MEMBER OF COUNCIL.

NOTE.

Dated..... 16th June.....*1939*.

A short account of the proceedings of the meeting of Princes and Representatives of States held in Bombay from 9th to 12th June 1939 (with a spare copy) is placed below for the Dewan's information.

DEWAN)

Thanks

To be put to His Highness.

a copy to the Secy. to the Resident.

another to Mr. P. J. Patrick of the I.O. for their information.

Please put up letter to them early.

16-6-39

In his letter dated 11th May 1939, His Highness the Chancellor, Chamber of Princes, informed His Highness that a Conference of Rulers and Representatives of States would be held in Bombay from June 9th to June 13th 1939, in order to consider the revised draft Instrument of Accession. The Chancellor suggested that in view of the vital importance of these meetings, His Highness the Maharaja, if he could not be present at the Conference, might be pleased to depute a representative to attend it. I was accordingly asked to attend the Conference and proceeded to Bombay on the 7th June 1939.

The meetings on the 9th June were confined to members of the Standing Committee of the Chamber and to the Rulers. The programme of meetings on the subsequent days is shown in the accompanying work card. (Enclosure I).

The general Conference was opened on the morning of the 10th June 1939 with an address by His Highness the Chancellor, of which a portion has been published in the papers. This address and the speeches of Their Highnesses the Maharajas of Bikaner, Dewas(Junior) and Panna were devoted to a critical examination of the Federal scheme including the draft Instrument and the present political situation in the States and in British India. The general gist of the speeches was as follows:-

(i) The Congress which is the predominant political party in British India is hostile to the Rulers.

(ii) The Paramount Power has not been giving the protection due to the States against political

agitation directed from British India.

(iii) The arrangements that the minor States were being pressed to adopt for Police and Judicial administration on a group basis are unduly expensive and calculated to undermine their independence.

(iv) The draft Instrument of Accession does not adequately ~~protect~~ safeguard the rights of the States in respect of military protection and financial matters.

(v) The bill before Parliament to amend the Government of India Act (with respect to land customs, etc.) is a menace to their fiscal arrangements and the proposed administrative agreement, a needless invasion of their rights of internal sovereignty.

(vi) By joining such a Federation at this time, the Rulers would condemn themselves unnecessarily or at any rate prematurely, to the position of hereditary Governors, if not of Zamindars, -the plight of the latter in the United Provinces and elsewhere being unenviable.

When the Ministers were invited to speak, I took the opportunity of drawing the attention of the Conference to other aspects of the question. A copy of my speech is attached. (Enclosure II).

Several Rulers and Ministers informed me privately that their own views more or less coincided with ours, but this attitude found no open expression at the Conference.

In the afternoon, Sir Akbar Hydari stated that the Hyderabad Government regarded the present draft Instrument as being fundamentally unsatis-

unsatisfactory in certain respects, as the Rulers in the speeches made by them in the morning had pointed out, but that it would be advisable to substantiate this view by giving reasons, as otherwise the change in the attitude of States which had all along favoured Federation might be misunderstood. These reasons, he stated, were given in the report of the Hydari Committee of Ministers. He also drew attention to the observation of the Hydari Committee that it could not be the intention of His Majesty's Government to close the door on further negotiations with a view to placing the draft Instrument on a satisfactory footing.

Anti-Federationists thought that they could get no further than Sir Akbar Hydari's statement without causing a split, while the Federationists and waverers felt that the latter part of the statement left them a sufficient loophole for whatever course they might wish to adopt in their own interests.

Further discussions proceeded on this basis and covered, in a cursory manner, the points ennumerated in the Synopsis prepared by the Chancellor's Secretariat. (Enclosure III).

On the 12th of June, a Committee was appointed to draft Resolutions which, it was presumed, would deal severally with the issues raised in the Hydari Committee's report and the proceedings of the Gwalior Conference. But this procedure, which would have revealed the degree of importance (or otherwise) attached by individual States to the several points, was avoided, -in my opinion, deliberately. Only one resolution which had been drafted at a private meeting of the "inner circle" was placed before the

Committee. The efforts of Sir V.T. Krishnamachari and Mr. N. Gopalaswami Iyengar to get it toned down met with no support. The draft resolution, as presented, was accordingly passed by the Committee. I was the only dissenting member.

In the afternoon, the Rulers held a prolonged meeting amongst themselves to consider the resolution. When we were called in to form a session of the full Conference, the Chancellor announced that the Rulers had already passed the resolution unanimously at their own private meeting and that the Ministers of other States were now at liberty to vote on it, if they wanted to do so. I abstained from voting, also Captain Harvey, who observed that the resolution could not be said to be unanimous. It was accordingly noted that a few Ministers did not vote and it was declared that the resolution was passed nem con (not unanimously).

The resolution was as follows:-

"The Conference of Princes and Ministers assembled at Bombay, having considered the Revised Draft Instrument of Accession and the connected papers resolves -

"that the terms on the basis of which accession is offered are fundamentally unsatisfactory in the directions indicated in the Report of the Hydari Committee of Ministers and confirmed by the recommendations of the Gwalior Conference and are therefore unacceptable.

"At the same time, the Conference records its belief that it would not be the intention of His Majesty's Government thereby to close the door on an All-India Federation".

At an early stage of the proceedings, an attempt was made to impress upon the Rulers that in their replies to the Viceroy they were morally bound to follow the terms of the resolution. Sir V.T. Krishnamachari pointed out that resolutions of the Conference were only in the nature of recommenda-

recommendations to the Rulers and could not be binding on any State. The Chancellor had to admit that this was so and some of the Rulers and Representatives who had been feeling uneasy at the turn of events, were somewhat relieved.

The Standing Committee of the Chamber, with some additional members, was asked to draft a form of draft reply which the States might adopt in order to implement the resolution of the Conference. This was obviously intended to prevent possible backsliding on the part of the States and to keep up an appearance of unanimity among them.

My general impressions are -

(1) that States belonging to the anti-Federation group are hoping to have further amendments carried out in the draft Instrument, or to be invited to a Conference by the Political Department with a view to settling the points of difference, and

(2) that the remaining States, including the most important, will pursue their own line of action without paying any attention to the resolution of the Conference.

General Conference of Rulers and Representatives of States, June, 1939.

Enclosure I.

Work-Card.

10th June

Morning:	Address by H.H. the Chancellor; general speeches.
Afternoon:	General discussion.

11th June.

Morning:	General Clauses (pages 2 and 7 of Synopsis) First Schedule (pages 4 to 8 of Synopsis)
Afternoon:	Second Schedule; Third Schedule; Draft Acceptance by His Majesty; Draft Instrument of Instructions to the Governor-General; Draft Instrument of Instructions to the Crown Representative. (page 8 of the Synopsis)

12th June.

Morning:	Draft Order in Council re federal surcharge; (pages 8 and 9 of Synopsis)
	Amendments to the Act: (page 9 of the Synopsis)
	Note re States' Rights: and any other points that may be raised and appointment of a small committee to draft resolutions to be presented to the Conference next morning. (pages 9 and 10 of the Synopsis)
Afternoon:	(a) Meeting of Rulers; and (b) meeting of the committee to draft resolutions.
~~13th June~~ :	Resolutions.

N.B.- References to pages against each item relate to the pages of the Synopsis prepared by the Chancellor's Secretariat.

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Enclosure II

Mr. Madhava Rau (Mysore). Your Highnesses, after the very able speeches made by Your Highnesses on this very important subject in which you have explained your attitude towards Federation, I feel a little diffident, coming as I do from a State in Southern India, to give expression to the somewhat different views which are current on that side. On some points our views differ materially from those I have heard expressed in Bombay by the representatives of different groups of States in Upper India. However as Your Highness has been good enough to invite us to speak on this occasion and to do so freely and frankly I avail myself of the opportunity to say a few words of what the outlook of Mysore is with regard to the matters under consideration.

At the outset, I may be pardoned for saying that I did not expect that the whole question of the merits and demerits of Federation would be raised at this meeting. So far as we were aware, the Conference was convened for the purpose of discussing the revised draft of the Instrument of Accession and the starting point was to be the report of the Hydari Committee. I still take it that, according to the time table which has been circulated by Your Highness' office, the details of the draft Instrument, including the general clauses and schedules, will come up for consideration in the course of the next few days, the discussions today being only intended to provide an opportunity for exchanging ideas on the subject generally.

I would like to recall the fact that it was due in a large measure to the representatives of the Princes themselves that the Government of India Act embodying the type of Federation we are now consider-

considering has taken shape. The States' representatives made a significant contribution to the discussions at the Round Table Conference which eventuated in the passing of the Government of India Act. At every stage, the States were taken into consultation, -during the Conference, after the publication of the White Paper, while the legislative enactment was in the Bill stage and later when the Act was passed. Till now, we have taken it for granted that so far as the Government of India Act is concerned, it contains, if not a wholly satisfactory solution of the problem of Indian States, at least one which is on the whole acceptable and that within its framework the provisions required to accommodate their special needs could be fitted in. That being the case, it seems to me that at this stage, our efforts should be directed towards seeing whether the draft Instrument of Accession adequately serves the purpose for which it was intended. These discussions have been carried on for a long time and Princes and representatives of States have indicated, from time to time, every detail in which the Instrument of Accession has to be amended in order to give effect to the safeguards and other requirements of the States. We have now to see how far our suggestions have been carried out and whether there are any further deficiencies in the draft Instrument of Accession which can be rectified, consistently with the attitude the States have taken for long with reference to the Act before and after its enactment.

I may be pardoned if I say that other considerations which are not altogether germane to the issue have been allowed to influence us. Everyone knows that the political situation in British India

is one which is calculated to give cause for seri concern to all States. We, no less than other States in India, have had reason to consider the whole matter anxiously in the light of that situa tion. And the main conclusion that Mysore has reached is substantially that of the Hydari Committee, namely, that it would be a grave error to be unduly alarmed at recent events or to suppose that by remaining outside Federation the States can escape the impact of political forces from outside.

Some of the present day political developments are deplorable, but seeing that they may after all be only a temporary phase we should not be needlessly obsessed by their apparent gravity.

In one of the speeches made just now a point has been made, with which I am in agreement, namely, that British India, as represented by a certain political organisation, is not likely to receive us with open arms into Federation. Well, it may be so, but we are not advised to join nor are we thinking of joining Federation in order to oblige any particular political organisation. The possibility of a purely British Indian Federation being established in case the States were to keep out of it is not altogether to be dismissed as a hypothetical sugges tion. Having that in view, the question is, is it in our interests, the interests of the States, to join Federation? We in Mysore, and I daresay certain other States also, think that the longer the Federation is delayed, the less will be the chances of securing favourable terms. The Crown's powers of special protection to the States are bound to weaken as British India develops politically. In the meantime, a tendency to approximate the States to the Provinces in matters of administration as

well as in range of legislative powers is likely to grow stronger. But more than all, the States people themselves will begin to feel, -they have already begun to feel-, that isolation is a feature of political inferiority and their urge that the States should join Federation at any cost may, in course of time, become overwhelming. The view the Government of Mysore has taken is that while we should make every endeavour to safeguard our vital interests, -economic and financial-, we should in other respect deal with the provisions of the draft Instrument in spirit of reasonable compromise.

Enclosure IV

Draft Resolution.

The Conference of Princes and Ministers assembled at Bombay, having considered the Revised Draft Instrument of Accession and the connected papers resolves -

that the terms on the basis of which accession is offered are fundamentally unsatisfactory in the directions indicated in the Report of the Hydari Committee of Ministers and confirmed by the recommendations of the Gwalior Conference and are therefore unacceptable.

At the same time, the Conference records its belief that it could not be the intention of His Majesty's Government thereby to close the door on Federation.

Au Juris